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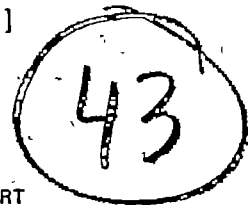
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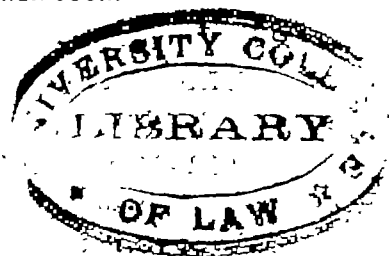
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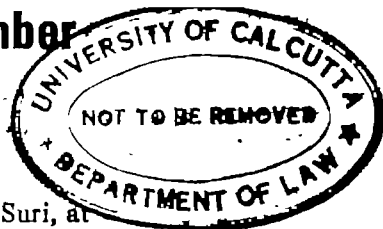
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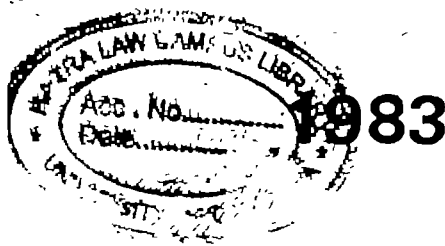
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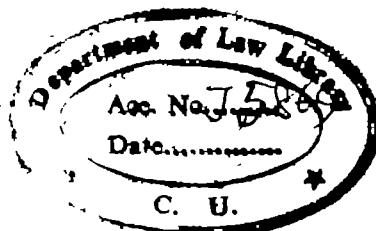


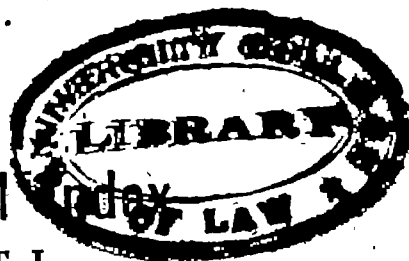
Printed & Published by S D. Suri, at
Usha Printers, 383, Indl. Area II, Chandigarh
& Suri Printers, 17, Sector 11-A, Chandigarh



LP 2247
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PART · I

NOTIFICATIONS—CENTRAL

GOVERNMENT

1983

Published in Gazette of India, Extraordinary, Part II, Section 3 (i), No. 271, dated September 10, 1982.

MINISTRY OF FINANCE

G.S.R. 564(E). *New Delhi, the 10th September, 1982.*—In exercise of the powers conferred by sub-section (1) of section 156 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely :—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Customs (Appeals) Rules, 1982.

(2) They shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.—

2. *Definitions.*—In these rules, unless the context otherwise requires,—

- (a) “Act” means the Customs Act, 1962 (52 of 1962);
- (b) “Form” means a form appended to these rules;
- (c) “section” means a section of the Act.

CHAPTER II APPEALS TO COLLECTOR (APPEALS)

3. *Form of appeal to Collector (Appeals).*—(1) An appeal under sub-section (1) of section 128 to the Collector (Appeals) shall be made in Form No. C.A.-1.

(2) The grounds of appeal and the form of verification as contained in Form No. C.A.-1 shall be signed :—

(a) in the case of an individual by the individual himself or where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf and where the individual is a minor or is mentally incapacitated, from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) in the case of a Hindu undivided family, by the Karta and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;

(c) in the case of a company or local authority, by the principal officer thereof;

(d) in the case of a firm, by any partner thereof, not being a minor;

(e) in the case of any other association, by any member of the association or the principal officer thereto; and

(f) in the case of any other person, by that person or some person competent to act on his behalf.

(3) The form of appeal in Form No. C.A.-1 shall be filed in duplicate and shall be accompanied by a copy of the decision or order appealed against.

4. *Form of application to the Collector (Appeals).*—(1) An application under sub-section (4) of section 129-D to the Collector (Appeals) shall be made in Form No. C.A.-2.

(2) The form of application in Form No. C.A.-2 shall be filed in duplicate and shall be accompanied by two copies of the decision or order passed by the adjudicating authority (one of which at least shall be a certified copy) and a copy of the order passed by the Collector of Customs directing such authority to apply to the Collector (Appeals).

5. *Production of additional evidence before the Collector (Appeals).*—(1) The appellant shall not be entitled to produce before the Collector (Appeals) any evidence, whether oral or documentary, other than the evidence produced by him during the course of proceedings before the adjudicating authority, except in the following circumstances, namely :—

(a) where the adjudicating authority has refused to admit evidence which ought to have been admitted ; or

(b) where the appellant was prevented by sufficient cause from producing the evidence which he was called upon to produce by that authority ; or

(c) where the appellant was prevented by sufficient cause from producing before the authority any evidence which is relevant to any ground of appeal ; or

(d) where the adjudicating authority has made the order appealed against without giving sufficient opportunity to the appellant to adduce evidence relevant to any ground of appeal.

(2) No evidence shall be admitted under sub-rule (1) unless the Collector (Appeals) records in writing the reasons for its admission.

(3) The Collector (Appeal) shall not take any evidence produced under sub-rule (1) unless the adjudicating authority or an officer authorised in this behalf by the said authority has been allowed a reasonable opportunity :—

(a) to examine the evidence or documents or to cross examine any witness produced by the appellant ; or

(b) to produce any evidence or any witness in rebuttal of the evidence produced by the appellant under sub-rule (1).

(4) Nothing contained in this rule shall affect the powers of the Collector (Appeals) to direct the production of any witness, to enable him to dispose of the appeal.

CHAPTER III

APPEALS TO APPELLATE TRIBUNAL

6. *Form of appeals, etc., to the Appellate Tribunal.*—(1) An appeal under sub-section (1) of section 129-A to the Appellate Tribunal shall be made in Form No. C.A.-3.

(2) A memorandum of cross-objections to the Appellate Tribunal under sub-section (4) of section 129-A shall be made in Form No. C.A.-4.

(3) Where an appeal under sub-section (1) of section 129A or a memorandum of cross-objections under sub-section (4) of that section is made by any person other than the Collector of Customs, the grounds of appeal, the grounds of cross-objections and the forms of verification as contained in Form Nos. C. A.-3 and C.A.-4, or as the case may be, respectively shall be signed by the person specified in sub-rule (2) of rule 3.

(4) The form of appeal in Form No. CA-3 and the form of memorandum of cross-objections in Form No. C.A.-4 shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the order appealed against (one of which at least shall be a certified copy).

7. *Form of application to the Appellate Tribunal.*—(1) An application under sub-section (4) of section 129D to the Appellate Tribunal shall be made in Form No. CA-5.

(2) The form of application in Form No. CA-5 shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the decision or order passed by the Collector of Customs (one of which at least shall be a certified copy) and copy of the order passed by the Board directing such Collector to the the Appellate Tribunal.

8. *Form of application to the Appellate Tribunal for reference to High Court.*

(1) An application under sub-section (1) of section 130 requiring the Appellate Tribunal to refer to the High Court any question of law shall be made in Form No. C.A.-6 and such application shall be filed in triplicate.

(2) A memorandum of cross-objections under sub-section (2) of section 130 to the appellate Tribunal shall be made in Form No. C.A.-7 and such memorandum shall be filed in triplicate.

(3) Where an application under sub-section (1) of section 130 or a memorandum of cross objections under sub-section (2) of that section is made by any person other than the Collector of Customs, the application, the memorandum and the forms of Verification as contained in Form Nos. CA-6 and CA-7 respectively shall be signed by the person specified in sub-rule (2) of rule 3.

CHAPTER IV AUTHORISED REPRESENTATIVE

9. *Qualifications for authorised representatives.*—For the purposes of section 146A, an authorised representatives shall include a person who has acquired any of the following qualifications, being the qualification specified under clause (d) of sub-section (2) of the said section 146A, namely:—

(a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), or

(b) a cost Accountant within the meaning of the Cost and Works Accountants Act, 1949 (23 of 1959); or

(c) a Company Secretary within the meaning of the Company Secretaries Act, 1980 (56 of 1980), who has obtained a certificate of practice under section 6 of that Act; or

(d) post-graduate or an Honours degree holder in Commerce or a post-graduate degree or diploma holder in Business Administration from any recognised University; or

(e) person formerly employed in the Departments of Customs or Central Excise or Narcotics and has retired or resigned from such employment after having rendered service in any capacity in one or more of the said Departments for not less than ten years in the aggregate.

Explanation:—In this rule, “recognised University” means any of Universities specified below, namely:

I. *Indian Universities:*—Any Indian University incorporated under any law for the time being in force in India;

II. Rangoon University.

III. *English and Welsh Universities:*—The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales;

IV. *Scottish Universities:*—The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

V. *Irish Universities:*—The Universities of Dublin (Trinity College) the Queen's University, Belfast and the National University of Dublin.

VII. *Pakistan Universities:*—Any Pakistan University in incorporated under any law for the time being in force.

VIII. *Bangladesh Universities:*—Any Bangladesh University incorporated under any law for the time being in force.

10. *Authority under section 146A (5) (b).*—The Collector of Customs having jurisdiction in the proceedings in which a person who is not a legal practitioner is found guilty of misconduct in connection with that proceeding under the Act shall be the authority for the purposes of clause (b) of sub-section (5) of section 146-A.

CHAPTER V MISCELLANEOUS

11. *Language of the Appellate Tribunal.*—(1) The language of the Appellate Tribunal shall be English.

(2) Notwithstanding anything contained in sub-rule (1), the parties to a proceeding before the Appellate Tribunal may file document drawn up in Hindi if they so desire.

12. *Procedure for filing appeals etc.*—(1) An appeal in Form No. C.A.-3 or a memorandum of cross-objections in Form No. C.A.-4 or Form No. C.A.-7 or an application in Form No. C.A.-5 or Form No. C.A.-6 shall be presented in person to the Registrar, or an officer authorised in this behalf by the Registrar, or sent by registered post addressed to the Registrar or such officers.

(2) An appeal or a memorandum of cross-objections or an application sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar or to the officer authorised by the Registrar, on the date on which it is received in the office of the Registrar, or as the case may be in the office of such officer.

13. *Date of presentation of appeals etc.*—The Registrar or as the case may be, the officer authorised by him under rule 12 shall endorse on every appeals or memorandum of cross-objections or application the

date on which it is presented or deemed to have been presented under that rule and shall sign any endorsement.

14. *Who may be joined as respondents.*—(1) In an appeal by a person other than the Collector of Customs the Collector concerned shall be made the respondent to the appeal.

(2) In an appeal or an application by the Collector of Customs, the other party shall be made the respondent to the appeal or application, as the case may be.

15. *Document authorising authorised representatives to be attached to the appeal.*—In any appeal, or memorandum of cross objections or application, filed by any person other than a departmental authority, where it is signed by his authorised representative the document authorising the representative to sign and appear for him shall be appended to such appeal or memorandum of cross-objections or application.

16. *Endorsing copies to the other party.*—The Appellate Tribunal shall send a copy of the appeal or memorandum of cross-objections or application to the other party as soon as it is filed.

17. *Procedure for filing and disposal of stay petition.*—(1) (a) Every application preferred under the provisions of the Act for stay of the requirement of making deposit of any duty demanded or penalty levied shall be presented in triplicate by the appellant in person or by his duly authorised agent, or sent by registered post to the Registrar or any other officer authorised to receive appeals.

(b) One copy of each of such application shall be served on the authorised representative of the Collector simultaneously by the applicant.

(2) Every application for stay shall be neatly typed on one side of the paper and shall be in English and the provisions of sub-rule (2) of rule II shall apply to such application.

(3) An application for stay shall set forth concisely the following :—

(a) the facts regarding the demand of duty or penalty, the deposit whereof is sought to be stayed;

(b) the exact amount of duty or penalty and the amount undisputed therefrom and the amount outstanding ;

(c) the date of filing of the appeal before the Tribunal and its number, if known;

(d) whether the application for stay was made before any authority under the Act or any Civil court and, if so, the result thereof (copies of the correspondence, if any, with such authorities to be attached);

(e) reasons in brief for seeking stay;

(f) whether the applicant is prepared to offer security and, if so, in what form;

(g) prayers to be mentioned clearly and concisely (state the exact amount sought to be stayed) ;

(4) The contents of the application shall be supported by an affidavit sworn to by the appellant or his duly authorised agent.

(5) Every application for stay shall be accompanied by three copies of the relevant orders of the authorities of the department concerned, including the appellate orders, if any, against which the

appeal is filed to the Appellate Tribunal by the appellant and other documents, if any ;

Provided, however, that the Appellate Tribunal may in its discretion and at the request of the applicant, dispense with the requirements of filing of the copies of such orders.

(6) Any application which does not conform to the above requirements is liable to be summarily rejected.

FORM NO. C.A.-1

(See rule 3)

FORM OF APPEAL TO THE COLLECTOR (APPEALS) UNDER SECTION 128 OF THE CUSTOMS ACT, 1962

1. No. of 19
2. Name and address of the appellant.
3. Designation and address of the officer passing the decision or order appealed against and the date of the decision or order.
- (4) Date of communication of the decision or order appealed against to the appellant.
5. Address to which notices may be sent to the appellant.
6. Whether duty or penalty or both is deposited, if not, whether any application for dispensing with such deposit has been made (A copy of the Challan under which the deposit is made shall be furnished).

7. Reliefs claimed in appeal.

Statement of facts
Grounds of appeal

(i)

(ii)

(iii)

etc.

Signature of authorised
representative, if any

Signature of the
appellant

VERIFICATION

I, _____ the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, the _____ day of _____ 19 _____

Place _____

Date _____

Signature of the authorised
representative, if any.

Signature of the
appellant

NOTES :—

1. The grounds of appeal and the form of verification shall be signed by the appellant in accordance with the provisions of rule 3 of the Customs (Appeals) Rules, 1982.

2. The form of appeal, including the statement of facts and the grounds of appeal shall be filed in duplicate and shall be accompanied by a copy of the decision or order appealed against.

FORM NO. C.A.-2

(See rule 4)

FORM OF APPLICATION TO THE COLLECTOR (APPEALS) UNDER SECTION 129D (4) OF THE CUSTOMS ACT, 1962.

Appeal No. _____ of _____ 19 _____

Applicant

Vs.

Respondent

• 1. Designation and address of the applicant (if the applicant is not the adjudicating authority, a copy of the authorisation from the Collector of Customs to make the application should be enclosed.)

2. Name and address of the Respondent.

3. Designation and address of the officer passing the decision or order in respect of which this application is being made and the date of the decision or order.

4. Date on which the order under sub-section (2) of section 129D has been passed by the Collector of Customs.

5. Date of the communication of the order referred to in (4) above to the adjudicating authority.

6. Reliefs claimed in the application.

Statement of facts

Grounds of appeal

(i)

(ii)

(iii)

etc.

Signature of the
applicant

NOTE :—The form of application, including the statement of facts and the grounds of application shall be filed in duplicate and shall be accompanied by two copies of the decision or order passed by the adjudicating authority (one of which at least shall be a certified copy) and a copy of the order of the Collector of Customs under sub-section (2) of section 129D of the Act.

FORM NO. C.A.-3

(See rule 6 (1))

FORM OF APPEAL TO THE APPELLATE TRIBUNAL UNDER SECTION 129A (1) OF THE CUSTOMS ACT, 1962.

In the Customs, Excise and Gold (Control) Appellate Tribunal.
Appeal No. _____ of _____

Applicant

Vs.

Respondent

1. The designation and address of the authority passing the order appealed against.

2. The number and date of the order appealed against.

3. Date of communication of the order appealed against

4. State/Union Territory and the Collectorate in which the order/decision of assessment/penalty/fine was made

5. Designation and address of the adjudicating authority in cases where the order appealed against is an order of the Collector (Appeals)

6. Address to which notices may be sent to the appellant.

7. Address to which notices may be sent to the respondent.

8. Whether the decision or order appealed against involves any question having a relation to the rate of duty or to the value of goods for purposes of assessment; if not, the difference in duty involved or value of goods involved, as the case may be.

9. Whether duty or penalty is deposited; if not, whether any application for dispensing with such deposit has been made.

(A copy of the Challan under which the deposit is made shall be furnished.)

10. Reliefs claimed in appeal.

Statement of facts •

Grounds of appeal

(i)

(ii)

(iii)

etc.

Signature of the
authorised representative,
if any.

Signature of the
appellant.

VERIFICATION

I— the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified today the— day of— of— 19—

Signature of the authorised
representative, if any.

Signature of the
appellant.

NOTES :—

1. The grounds of appeal and the form of verification shall if the appeal is made by any person, other than the Collector of Customs, be signed by the appellant in accordance with the provisions of rule 3 of the Customs (Appeals) Rules, 1982.

2. The form of appeal including the statement of facts and the grounds of appeal shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the order appealed against (one of which at least shall be a certified copy).

3. The form of appeal should be in English (or Hindi) and should set forth, concisely and under distinct heads, the grounds without any argument or narrative and such grounds should be numbered consecutively.

4. The fee of Rs. 200 required to be paid under the provisions of the Act shall be paid through a crossed bank draft drawn in favour of the Assistant Registrar of the Bench of the Tribunal on a branch of any Nationalised bank located at the place where the Bench is situated and the demand draft shall be attached to the form of appeal.

FORM NO. C.A.-4

(See rule 6 (2))

FORM OF MEMORANDUM OF CROSS-OBJECTIONS TO THE APPELLATE TRIBUNAL UNDER SECTION 129A (4) OF THE CUSTOMS ACT, 1962.

In the Customs, Excise and Gold (Control) Appellate Tribunal
Cross-Objection No— of— 19—

In Appeal/Application No— of 19—

Appellant/Applicant
Vs.
Respondent.

1. State/Union Territory and the Collectorate in which the order/decision of assessment/penalty/fine was made.

2. Date of receipt of notice of appeal or application filed with the Appellate Tribunal by the appellant or as the case may be, the Collector of Customs.

3. Address to which notices may be sent to the respondent.
4. Address to which notices may be sent to the appellant/applicant.
5. Whether the decision or order appealed against involves any question having a relation to the rate of duty of Customs or to the value of goods for purpose of assessment ; if not, the difference in duty or duty involved, or amount of fine or penalty involved or the value of goods involved, as the case may be.
6. Reliefs claimed in the memorandum of cross-objections.

GROUND OF CROSS-OBJECTIONS

- (1)
- (2)
- (3)
- (4)

etc.
Signature of the authorised representative, if any.

Signature of the respondent.

VERIFICATION

I.....the respondent, do hereby declare that what is stated above is true to the best of my information and belief.

Verified to-day the.....day of 19.....

Signature of the the authorised representative, if any.

Signature of the respondent.

NOTES :—

1. The grounds of cross-objections and the form of verification shall, if the memorandum is filed by any person, other than the Collector of Customs, be signed by the respondent in accordance with the provisions of rule 3 of the Customs (Appeals) Rules, 1982.
2. The form of memorandum of cross-objection shall be filed in quadruplicate.
3. The form of memorandum of cross-objections should be in English (or in Hindi) and should set forth, concisely and under distinct heads the grounds of cross-objections without any argument or narrative and such grounds should be numbered consecutively.
4. The number and year of appeal/application as allotted by the officer of the Appellate Tribunal and appearing in the notice of appeal/application received by the respondent is to be filed in by the respondent.

FORM NO. C. A.-5

(See rule 7)

FORM OF APPLICATION TO THE APPELLATE TRIBUNAL UNDER SECTION 129-D (4) OF THE CUSTOMS ACT, 1962

In the Customs, Excise and Gold (Control) Appellate Tribunal.

Appeal No.....of.....

Applicant

Vs.

Respondent

1. Designation and address of the applicant (if the applicant is not the adjudicating authority, a copy of the authorisation from the Collector of Customs to make the application should be enclosed).
2. Name and address of the respondents.

3. Designation and address of the officer passing the decision or order in respect of which this application is being made and the date of the decision or order.

4. State/Union Territory and the Collectorate in which the decision or order was made.

5. Date on which order under sub-section (1) of section 129D has been passed by the Board.

6. Date of the communication of the order referred to in (3) above, to the adjudicating authority.

7. Whether the decision or order appealed against involves any question having a relation to the rate of duty of customs or to the value of goods for purposes of assessment, if not the difference in duty or duty involved, or amount of fine or penalty involved or value of goods involved.

8. Reliefs claimed in the application.

Statement of facts
Grounds of application

(i)
(ii)
(iii) etc,

Signature of the
applicant.

NOTE:—The form of application including the statement of facts and the grounds of application shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the decision or order of the Collector of Customs (one at least of which shall be a certified copy) and a copy of the order of the Board under sub-section (1) of section 129-D.

FORM NO. C.A.-6

(See rule 8 (1))

FORM OF APPLICATION TO THE APPELLATE TRIBUNAL UNDER SECTION 130(1) OF THE CUSTOMS ACT, 1962

In the Customs, Excise and Gold (Control) Appellate Tribunal

In the matter of Appeal No.....(Name of the appellant)

Reference Application No.....of.....19.....(to be filled
by the office).

Applicant

Vs.

Respondent

1. State or Union Territory and the Collectorate from which the application is filed.....

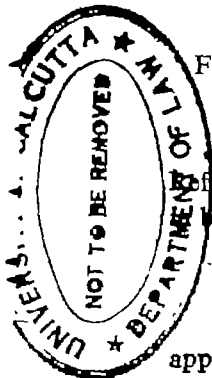
2. Number of the appeal which gives rise to the reference.....

3. Address to which notices may be sent to the applicant.

4. Address to which notices may be sent to the respondent.

5. The appeal noted above was decided by the ----- Bench
of the Appellate Tribunal on-----.

6. The notice of the order under section 129B of the Customs Act, 1962 was served on the applicant on-----.



7. The facts which are admitted and/or found by the Appellate Tribunal and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.

8. The following questions arise out of the order of the Appellate Tribunal.

- 1.
- 2.
- 3.

etc.

9. That the applicant, therefore, requires under sub-section (1) of section 130 of the Customs Act, 1962 that a statement of the case be drawn up and the questions of law referred in paragraph 8 above be referred to the High Court.

10. The documents or copies thereof as specified below (the translation in English of the documents, where necessary, is annexed) be forwarded to the High Court with the statement of the case.

Signature of the authorised representative, if any

Signature of the applicant.

VERIFICATION

I, _____ the applicant do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, the _____ day of _____ 19 _____.

Signature of the authorised representative, if any

Signature of the applicant

NOTES :—

1. The application and the form of verification shall, if the application is made by any person, other than the Collector of Customs, be signed by the applicant in accordance with the provisions of rule 3 of the Customs (Appeals) Rules, 1982.

2. The application shall be filed in triplicate.

3. The fee of Rs. 200 required to be paid under the provision of the Act shall be paid through a crossed bank draft drawn in favour of the Assistant Registrar of the Bench of the Tribunal on a branch of any nationalised banks located at the place where the Bench is situated and the demand draft shall be attached to the form of application.

FORM NO. C.A.—7

(See rule 8 (2))

FORM OF MEMORANDUM OF CROSS-OBJECTIONS TO THE APPELLATE TRIBUNAL IN THE MATTER OF REFERENCE TO THE HIGH COURT UNDER SECTION 130 (2) OF THE CUSTOMS ACT, 1962.

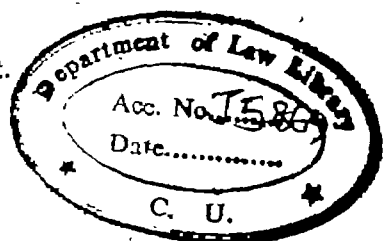
In the Customs, Excise and Gold (Control) Appellate Tribunal
Cross Reference Application No. _____ of _____ 19 _____
(to be filled in by the office) _____

In Reference application No. _____ of _____ 19 _____

Applicant.

Vs.

Respondent.



1. State/Union Territory and the Collectorate from which is memorandum of cross-objections is filed.

2. Date of receipt of notice of application filed with the Appellate Tribunal by the respondent.

3. Address to which notices may sent to the applicant.

4. Address to which notices may be sent to the respondent.

5. The facts which are admitted and/or found by the Appellate Tribunal and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.

6. The following questions of law arise out of the order of the Appellate Tribunal:

(1)

(2)

(3)

etc.

7. The respondent, therefore, requires under sub-section (1) of sections 130 of the Customs Act, 1962 that a statement of the case be drawn up and the questions of law referred in paragraph 6 above be referred to the High Court.

8. That the documents or copies thereof as specified below (the translation in English of the documents, where necessary, is annexed) be forwarded to the High Court with the statement of the case.

Signature of the authorised
representative, if any.

Signature of the
respondent

VERIFICATION

I, _____, the respondent do hereby declare that what is stated above is true to the best of my information and belief

Verified today, the _____ day of _____ 19 _____

Signature of the authorised
representative; if any.

Signature of the
respondent

NOTICES:—

1. The memorandum of cross-objections and the form of verification shall, if the memorandum is filed by any person, other than the Collectorate of Customs be signed in accordance with the provisions of rule 3 of the Customs (Appeals) Rules, 1982.

2. The memorandum of cross-objections shall be filed in triplicate.

Published in the Gazette of India, Extraordinary, Part II, Section 3
(ii), No. 340, dated August 17, 1982.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

S.O. 572 (E). New Delhi, the 17th August, 1982.—In exercise of the powers conferred by sub-section (2) of section 1 of the Monopolies and Restrictive Trade Practices (Amendment) Act, 1982 (30 of 1982) the Central Government hereby appoints the 18th day of August, 1982, as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 376, dated August 23, 1982.

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS

S.O. 610 (E). *New Delhi, the 17th August, 1982.*—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Drugs (Prices Control) Order, 1979, namely:—

1. (1) This Order may be called the Drugs (Price Control) (Fourth Amendment) Order, 1982.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Second Schedule to the Drugs (Prices Control) Order, 1979, under the heading "XXIII Oral Contraceptives", items 3, 6, 8 and 10 shall be omitted.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 314, dated July 27, 1982.

MINISTRY OF COMMERCE

S.O. 530 (E)/No. E (C) O, 1977/AM (245). *New Delhi, the 27th July, 1982.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely:—

1. This Order may be called the Exports (Control) Sixteenth Amendment Order, 1982.

2. In OGL: 3 of Schedule III to the Exports (Control) Order, 1977, against S. No. 68, the existing conditions in Col. 4 shall be substituted by the following:—

"(i) Export of products, other than imitation zari, will be allowed subject to the condition that the f.o.b. value of the product should be at least 33-1/3 per cent (Thirty three and one-third) the product to be exported. The international value of the silver for this purpose will be ascertained by the Customs Authorities having regard to the prevailing price of silver in London or New York whichever is higher, on the date of export.

(ii) Export of Imitation Zari will be allowed provided the silver content does not exceed 5 per cent by weight in the product.

(iii) Export on consignment basis will not be allowed."

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 339, dated August 16, 1982.

MINISTRY OF COMMERCE

S.O. 571 (E)/No. E (C) O 1977/AM (246). *New Delhi, the 16th August, 1982.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely:—

1. This Order may be called the **Exports (Control) Seventeenth Amendment Order, 1982**.

2. In the Exports (Control) Order, 1977-In Part 'B' Schedule I, the existing entry appearing at S No. 65 (iii) shall be substituted by the following:—

“64(iii) Synthetic blended yarn containing 50 per cent or more of synthetic fibre, the following:

(a) Polyester-viscose blended yarn in which polyester content is 50 per cent or more—

(i) Upto and including 40s count

(ii) 41s and above and upto 60s count including 60 count

(iii) 61s count and above

(b) Polyester-cotton blended yarn in which Polyester content is 50 per cent or more—

(i) Upto and including 40s count

(ii) 41s and above and upto 60s count including 60s count

(iii) 61s count and above.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 338, dated August 16, 1982.

MINISTRY OF COMMERCE

S. O. 570 (E) No./E (C)O, 1977/AM (248) *New Delhi, the 16th August, 1982*.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, namely :—

1. This Order may be called the **Exports (Control) Nineteenth Amendment Order, 1982**.

2. In the Exports (Control), Order, 1977—

(i) In Part 'A' Schedule I, the following shall be added after S. No 17 :—

“17A. Beche-de-mer of sizes below 3 inches”

(ii) In Part 'B', Schedule I, the existing entry at S. No. 7 (i) 9, namely, “Beache-de-merc”, shall be substituted by the following entry :—

“Beache-de-merc”, of sizes 3 inches and above.”

(iii) In OGL. 3, Schedule III, the existing entry at S. No. 4 (i) 8, namely, “Beach-de-mere”, shall be substituted by the following :—

“Beache-merc, of sizes 3 inches and above”

Published in the Gazette of India, Extraordinary Part II, Section 3 (ii), No. 378, dated August 24, 1982

MINISTRY OF COMMERCE

S. O. 613 (E)/E(C)O, 1977/AM (249),—*New Delhi the 24th August, 1982*.—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the **Exports (Control) Twentieth Amendment Order, 1982.**

2. In the Exports (Control) Order, 1977—

In Part 'B', Schedule I, the following item shall be added after S. No. 33 (ii).

"33 (iii) Palmyrah Sugar Candy"

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 263, dated September 4, 1982

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

G. S. R. 555 (E). *New Delhi, the 2nd September, 1982.*—In exercise of the powers conferred by clauses (a) and (b) of sub-section (1) of section 642 of the Companies Act, 1956, the Central Government hereby makes the following rules further to amend the Companies (Central Government's) General Rules and Forms, 1956, namely :—

1. (1) These rules may be called the **Companies (Central Government's) General Rules and Forms, (Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 4A of the Companies (Central Government's) General Rules and Forms, 1956,—

(1) In sub-rule (1), for the last sentence, the following sentence shall be substituted, namely :—

"Every such application shall be in Form No. 1A and be accompanied by a fee of Rs. 100/- and the Registrar of Companies shall furnish the required information ordinarily within fourteen days of the receipt of the application";

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Where the Registrar of Companies informs the company or the promoters of the company that the changed name or the name with which the proposed company is to be registered, as the case may be, is not undesirable, such name shall be available for adoption,

(a) by the said company for a period of six months or

(b) by the said promoters of the company for a period of three months.

from the date of intimation by the Registrar."

3. In Annexure 'A' to the Companies (Central Government's) General Rules and Form, 1956,—

(i) Form No. 1A and Form No. 1B shall be renumbered as Form No. 1B and Form No. 1C respectively and before Form No. 1B as so renumbered, the following Form shall be inserted, namely :—

"THE COMPANIES ACT, 1956

FORM NO. 1A

Application form for availability of names

The Registrar of Companies,

Sir,

Subject :—Availability of names-Information-Furnishing of.

We, the following applications are desirous of forming a company to be registered under the Companies Act, 1956 in the State of.....

1. Name and full address of the person(s) applying for the availability of the name.

(IN BLOCK CAPITALS)

2. Proposed name of the company.

3. State whether public or private.

4. In case the proposed name mentioned in item (2) is not available, 3 names to be considered in the order of preference.

4. In case the proposed name mentioned in item (2) is not available, 3 names to be considered in the order of preference.

5. Main object of the proposed company.

6. Names and addresses of the prospective directors or promoters, etc.

7. Particulars of the names and situation of registered offices of other companies in the same group or under the same management.

8. Proposed authorised capital.

9. Please furnish particulars and results of any application moved to this or any other Registrar previously for availability of name.

10. Particulars of remittance of fee (Draft/IPO) Rs.

Situation.....

Dated

.....
Signature of the applicant.

(ii) for Form No. 5, the following Form shall be substituted, namely:—

“THE COMPANIES ACT, 1956
FORM NO. 5

Registration No.....

Nominal Capitals Rs.....

Notice of Consolidation, Division etc./Increase in Share Capital/
Increase in Number of Members

(Pursuant to sections 95, 97/94A (2)/81 (4))

Name of the company.....

Notic is hereby given—

*1. In accordance with section 95 of the Companies Act 1956 that**

*2. In accordance with section 97 of the Companies Act, 1956 that by ordinary resolution/special resolution of the company dated the..... day of..... 19.....

(i) the authorised share capital of the company has been increased by the addition thereto of the sum of Rs..... beyond the present authorised capital of Rs.....

(ii) that the number of members in the company has been increased by the addition thereto of..... members beyond the present registered number of.....

*3.(i) In accordance with sub-section (3) of section 94A of the Companies Act, 1956 that the share capital of the company has been increased beyond the present authorised capital of Rs..... by Rs..... consequent upon an order dated.....

.....of the Central Government under sub-section (4) of section 81 or sub-section (2) of section 94A of the Act on an application made to it by.....(here mention the name of the financial institution) for conversion of debentures/loans into shares.

(ii) a copy of the aforesaid order was received by the company from the Central Government on.....

4. The addition capital is divided as follows:

No. of shares	Class of shares.	Nominal amount of each share
---------------	------------------	------------------------------

1	2	3
---	---	---

The conditions (e.g. voting rights, dividend rights, winding up rights etc.), subject to which new shares have been issued, are as follows, (If any of the new shares are preference shares, state whether they are "redeemable or not).

Signature.....

Name.....

(In Block Capitals)

Designation.....

Dated the.....day of.....19.....

*Strike out which is not applicable.

**Here enter particulars of the case falling under clauses (a), (b), (c), (d), (e) or (f) of sub-section (1) of Section 95. In case falls under more than one of these clauses, specify the portion falling under each clause separately."

(iii) Form Nos. 6, 6A, 7 and 7A shall be omitted.

(iv) For Form No. 8, the following Form shall be substituted, namely :—

"THE COMPANIES ACT, 1956
FORM NO. 8

Registration No.....

Nominal Capital Rs.....

created by a company registered

Particulars of charges

subject to which property has been

in India

Modification of charge

acquired by a company registered in India.

(Pursuant to section 125/127/135)

Name of the Company.....

Presented by.....

1. Date and description of the instrument creating charge.

2. Amount secured by the charge amount owing on security of the charge.

3. Short particulars of the property charged. If the property acquired is subject to charge, date of acquisition of property should be given.

4. Gist of the terms and conditions and extent and operation of the charge

5. Names, addresses and descriptions of the persons entitled to charge.

6. Date and brief description of instrument modifying the charge.

7. Particulars of modification specifying the terms and conditions or the extent or operation of the charge in which modification is made, and the details of the modification.

Signature.....

Name.....

(In Block Capitals)

Designation.....

Dated the.....day of.....19.....

N. B : 1. 'Charge' includes mortgage—See section 124, A description of the instrument, that is to say, whether trust deed, mortgage or debenture should also be given.

2. "Person entitled to the charge" will include mortgagees.

3. Amount or rate percent of the commission allowance or discount (if any) paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any of the debentures included in this return, should be given in item No. 4.

(v) for From No. 10, the following From shall be substituted, namely :—

**"THE COMPANIES ACT, 1956
FORM NO. 10**

Registration No.....

Nominal Capital Rs.....

Particulars of a series of debentures, containing or giving by reference to any other Instrument (a), any charge, (b) to the benefit of of which the debenture holders of the said series are entitled *pari passu*, created by a company registered in India and also of any issue of debentures in a series.

(Pursuant to sections 128 and 129)

This Form is to be used for registration of particulars of the entire series and also for any issue in a series.

Name of the company.....Limited/Private Limited.

Presented by.....

Total amount secured by the whole series	Amount of the present issue of series	Dates of resolution authorising the issue of series.	Date of the covering deed (if any) by which the security is created or defined; or if there is no such deed the first execution of any debenture of the series.
(1)	(2)	(3)	(4)

(5) General description of the property charged.	(6) Gist of the terms and conditions, and extent and operation of the charge (b)	(7) Name and addresses of the trustees (if any) for the debenture holders	(8) Date of registration of the series (c)
(9) Date of present issue	(10) Amount of present issue	(11) Gist of the terms and conditions and extent and operation of the charge (b).	(12) Particulars as to the amount or rate percent of the commission, allowances or discount (if any) paid, or made either directly or indirectly by the company to any person in consideration of subscribing or agreeing to subscribe, whether absolutely or conditionally or procuring or agreeing to procure subscription whether absolute or conditional, for any of the debentures included in this return (d)

Signature.....
Designation (c).....

Dated the.....day of.....19.....

(a) A description of the instrument, e.g. 'Trust Deed', 'Mortgage', 'Debentures' etc., as the case may be should be given.

(b) "Charge" includes "mortgage"; See section 124.

(c) The date of registration may be confirmed from the certificate of registration.

(d) The rate of interest under the terms of the debentures should not be entered.

(e) State position in relation to the company."

(vi) Form No. 11 shall be omitted.

(vii) Form No. 14 shall be omitted.

(viii) for Form No. 18, the following Form shall be substituted, namely :—

**"THE COMPANIES ACT, 1956
FORM NO. 18**

Registration No.....

Nominal Capital Rs.....

Notice of Situation/Change of Situation of Registered Office
(Pursuant to section 146)

Name of the company.....

Notice is hereby given that—

1. (a) the registered office of the company is situated.....
with effect from.....(date)

(b) the situation of the [registered office of the company* was changed from.....to.....with effect from.....(date)

2. Situation of registered office all under the jurisdiction of.....
.....(name of police station)*.

Signature.....

Name.....

(In Block Letters)

Designation.....

Dated the.....day of.....19.....

*State address of nearest police station with district and tehsil.

(ix) for Form No. 21, the following Form shall be substituted,
namely :—

“THE COMPANIES ACT, 1956

FORM NO. 21

Registration No.....

Nominal Capital Rs.....

Notice of the Court's/Company Law Board's Order

(Pursuant to section.....*)

1. Name of the company

2. Name of the Court/Company Law Board with location

3. Date of passing the order.

4. Section of the Companies Act under which order passed. An authenticated copy of the order is attached.

Signature.....

Name.....

(In Block Letters)

Designation.....

Dated the.....day of.....19.....

*Indicate the section pursuant to which the order passed—

17(1), 79, 81(2), (4) and 94A(2), 102(1), 107(3), 111(5), 141, 155, 186, 391(2), 394(1), 397 and 398”.

(x) after Form No. 22 the following Form shall be inserted :—

“THE COMPANIES ACT, 1956

FORM NO. 22A

Consent by Shareholder for shorter notice

(Pursuant to section 171 (2))

To

The Board of Directors

of.....

I,.....son of.....resident of.....
holding equity/preference shares.....of Rs.....in
the company in my own name hereby give consent, pursuant to section
171 (2) of the Companies Act, 1956, to hold the annual/extra-ordinary
general meeting on.....at shorter notice.

Signature.....

Name.....

(In Block Capitals)

Dated the.....day of.....19.....

(xi) for Form No. 23 the following Form shall be substituted, namely :—

“THE COMPANIES ACT, 1956

FORM NO. 23

Registration No.....

Nominal Capital Rs

Registration of Resolution(s) and Agreement(s)

(Pursuant to section 192)

Name of the company.....

Date of despatch of notice.....

Date of passing.....

Place of meeting.....

A. Copy of the resolution(s)

Board

each passed/agreed to by the

Shareholders

Class of shareholders

Creditors

the particulars of which are given below is/are filed alongwith the certified copy of the explanatory statement under section 173, where applicable, for record :

Sl. No.	Subject matter of resolution	Reference to requirement under Companies Act, 1956	Whether ordinary or special resolution or with requisite majority	Authority passing/agreeing to the resolution
(1)	(2)	(3)	(4)	(5)

B. Copy of the agreement made, whose particulars are given below is enclosed for record ;

Sl. No.	Subject matter of agreement	Reference to section of the Companies Act, if applicable	Date of agreement	Authority adopting the agreement
(1)	(2)	(3)	(4)	(5)

C. It is certified that copy of the agreement (s) filed herewith is/are a true copy(ies) of the original.

Signature

Name.....

(In Block Capitals)

Designation..... ..

Dated the.....day of.....19.....

Note :—1. Authority adopting the agreement should be specified with reference to the requirement of the Act, as to the validity of the agreement.

2. Copies of resolutions should contain reference to the serial number given in 'A' above."

(xii) For Form No. 23AA, the following Form shall be substituted, namely :—

**"THE COMPANIES ACT 1956
FORM NO. 23AA**

Registration No.....

Nominal Capital Rs.....

Notice of Address at which books of Accounts are maintained
(Pursuant to proviso to section 209 (1))

Name of the company.....

Notice is hereby given that the Board of Directors of the company have decided vide resolution, dated the.....day of.....19..... to keep the books of account of the company at.....(new full address) which falls under the jurisdiction of.....with effect from.....

Signature.....

Name.....

(In Block Capitals)

Designation.....

Dated the.....day of.....19.....

*Give the name of police station with district and tehsil."

(xiii) after Form No. 23C, the following Form shall be inserted, namely :—

**"THE COMPANIES ACT, 1956
FORM NO. 23D**

Application fee Rs.....

Registration No.....

Nominal Capital Rs.....

Form of Application to the Central Government for investigation into the affairs of the company/by any member of a company who wish to be authorised to apply to the Court/to prevent oppression or mismanagement in the company.

(Pursuant to sections 235(a) (b), 399(4) and 408)

Name of the company.....

1. Address of the company.....

2. Particulars of the applicants :—

(a) Name (In Block Capitals)

(b) Address

(c) Voting power held by him (if the company has share capital)

3. Total number of applicants

4. Their total voting power

5. Precise and specific reasons for requiring investigation.

6. Particulars of application fee (Demand draft or I.P.C. payable to Pay and Accounts Officer, at New Delhi.)

• 7. The statements made in paragraphs.....above are true to our knowledge and those in remaining paragraphs are true to the best of our information and belief.

Signature of applicants.....

Dated the.....day of.....19.....

Encl. Affidavit.” ;

(xiv) after Form 24A, the following Form shall be inserted, namely :—

**“THE COMPANIES ACT, 1956
FORM NO. 24AA**

Notice by the interested Director
(Pursuant to section 299)

To

The Board of Directors
of.....

I, ...son of.....resident of.....
holding.....shares (equity or up capital) in the company in my
name, hereby give notice that I am interested directly/through my re-
lative(s) in the following companies :

Name of the companies/firms

Nature of interest

1.....

1.....

2.....

2.....

3.....

3.....

Signature.....

Name.....

(In Block Capitals)

Dated the.....day of.....19.....” ;

(xv) For Form No. 25A, the following Form shall be substituted, namely :—

**“THE COMPANIES ACT, 1956
FORM NO. 25A**

Registration No.....

Nominal Capital Rs.....

PART A

Form of application to the Central Government for appointment/
re-appointment and remuneration payable to Managing/Whole-time
Director(s) or Manager

(Pursuant to sections 269, 311 and 388)

1 (a) Name of the company

(b) Address of its registered office

(c) Date of its registration

2. Main Business

3. Particulars of share held by foreigners or proposed to be issued
to foreigners, if any.

4. Nature and form of the existing management ;

(i) is the company managed by—

(a) Board of Directors

(b) Managing/whole-time Directors;

(c) Manager.

(ii) Particulars of remuneration being paid to Managing/Whole-
time Director/Manager.

(a) new appointment,

- (b) re-appointment last sanction No, and date
(enclosed a copy also)
- (iii) Nature of services rendered by the Managing/Whole-time Director/Manager.
- (iv) Particulars of commission, allowance, fees, salaries, if any, payable to Directors not indicated against sub-item (ii) above.
5. Proposal for which Central Government's approval is sought and justification therefore ;
- (i) for appointment,
- (ii) remuneration proposed to be paid to the proposed Managing/Whole-time Director/Manager.
6. (i) Remuneration, if any, payable by any other company
- (ii) For other services or in any other capacity, e.g. guarantee, commission consultancy or professional charges (give details of services rendered or capacity held).
7. Direct or indirect interest of Directors/ Manager in selling/ buying agencies, distributors, if any (give full particulars indicating the financial benefit derived during the last three years and name of Directors concerned).
8. Details of remuneration payable to any relative of Managing/ whole-time Director.
9. Whether the spouse or son or daughter of the proposed Managing/ Whole-time Director is employed in the company or in any of its subsidiaries or in any other company under the same management or in the same group ? If so, give particulars of employment, remuneration, etc., in respect of each of them.
10. Has the proposal for which Government's approval has been sought.
- (i) been covered by the Articles of Association of the company ? If so, give number of Articles ; or
- (ii) been approved by the Board of Directors of the company ? ; or
- (iii) been approved by the company in general meeting ? (enclose copies of Resolution).
11. If the proposal involves any increase in number of Managing or whole-time Director or if the proposal is initially to appoint more than one Managing or Whole-time Director the full reasons justifying the same and also the division of duties and responsibilities between the Managing/Whole-time Directors should be furnished.
12. The name of newspapers in which notice under section 640B have been published alongwith the dates thereof.
13. If the proposed Managing/Whole-time Director/Manager was previously under employment of the company, particulars of the post held by him and remuneration drawn by him during the last three years.
14. Is the proposed Managing/Whole-time Director/Manager working in any other company as Managing/Whole-time Director/ employees; if so, give details indicating the remuneration drawn by him during the last three years
15. Was the proposed Managing/Whole-time Director/Manager involved at any time in proceedings under any of the following Acts or is any such proceedings pending ;—

- (i) The Indian Stamp Act, 1899 (2 of 1899)
- (ii) The Central Excise and Salt Act, 1944 (1 of 1944)
- (iii) The Imports and Exports (Control) Act, 1947 (18 of 1947)
- (iv) The Industries (Development and Regulation) Act 1951 (65 of 1951)
- (v) The Prevention of Food Adulteration Act, 1954 (37 of 1954)
- (vi) The Essential Commodities Act, 1955 (10 of 1955)
- (vii) The Companies Act, 1956 (1 of 1956)
- (viii) The Wealth-tax Act, 1957 (27 of 1957)
- (ix) The Income-tax Act, 1962 (43 of 1962)
- (x) The Customs Act, 1962 (52 of 1962)
- (xi) The Gold Control Act, 1968 (45 of 1968)
- (xii) The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)
- (xiii) The Foreign Exchange Regulation Act, 1973 (46 of 1973)
- (xiv) The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974).

16. Whether the Managing/whole-time Director suffers from any of the disqualifications mentioned in section 257 or 385 of the Companies Act, 1956.

17. Effective Capital on 31st December,.....

- (i) paid-up Capital
- (ii) Share premium
- (iii) Reserves and Surplus
- (iv) Long-term Loans (including deposits received, if any):
 - (a) Secured
 - (b) Unsecured

Less : Investments

Less : Accumulated losses and preliminary expenses not written off.

18. Working results for the last three years end :

- (i) Turn-over
- (ii) Net profits as per section 198,
- (iii) Director/Manager's remuneration (give details)

1. Sitting fees paid to directors other than Managing Directors/whole-time Directors.

2. Salary : Paid to Managing/Commission : Whole-time Director/Manager, Bonus ;

3. Perquisites and their money value : Paid to Managing/whole-time Director/Manager

- (iv) Rate and amount of Dividend declared on Equity shares;
- (v) Percentage which the total managerial remuneration bears to the net profits.

19. Name and address of the present auditors.

20. Whether a copy of the application together with enclosures has been sent to the Registrar of Companies, and if so, date thereof.

PART B

Application to the Central Government for approval to the payment of minimum remuneration or of remuneration in excess of the limits prescribed under section 309(3).

(Pursuant to section 198(4)/309(3)/387)

1. Whether the company proposes to pay minimum remuneration in the absence or inadequacy of profits or of remuneration in excess of the limits prescribed under section 309(3).

If so, proposal of the relevant company in this behalf. (Enclose copies of the relevant resolution)

Declaration : To the best of my/
our knowledge and belief the information given in the application and its annexure is correct and complete.

Signature.....

Dated the : this..... day of.....19.....

(xvi) Form No. 25C shall be omitted.

(xvii) for Form No. 35A, the following shall be substituted, namely :—

**“THE COMPANIES ACT, 1956
FORM NO. 35A**

Registration No.. ..

Nominal Capital Rs.....

Information to be furnished in relation to any offer of a scheme of contact involving the transfer of shares of any class of share in the transfer of Company to the Transferee Company.

(Pursuant to section 395(4a) (a) (i))

1. Name of the company making the offer or issuing any circular in connection with the offer (Transferee/company)

(a) Management structure (composition of Board of Directors and particulars regarding manager and Managing Director, if any).

(b) Capital Structure

(c) The extent of share-holdings of the directors, manager, managing director (or their associates)-

(d) The extent of share-holdings of the directors, manager managing director (or their associates) in the transfer or company.

(e) If the offer is being made on behalf of a company by any other person, the interest of the person in the company which is making the offer.

(Transfer company)

2. (a) Name

(b) Management structure (composition of Board of Directors, and particulars regarding manager and Managing director, if any).

(c) Capital structure.

(d) The extent of share-holding of the directors, manager, managing director (or their associates) in the transfer or and transferee companies).

3. A summary of the financial position of the last three years of the transferee and transferor companies is given separately in the proforma contained the Appendix.

4. The price of consideration offered for the purchase of the shares of the transferor company. If consideration is other than cash, full particulars thereon and where such consideration involves the allotment of shares in the transferee company, full particulars of the

shares and the rights attached thereto shall be specified and the basis of valuation of the shares of the transferor company, In case where the consideration is the allotment of shares of the transferee company, full particulars of the valuation of the shares of the transferee company proposed to be allotted shall also be furnished

5. Sources from which the transferee of company proposes to pay for the acquisition of the said shares, if the consideration is cash.

6. Details of transfers of shares in the transferor company by its directors, manager, managing director (or their associations) in the two years preceding the offer.

7. Reasons for which the offer has been recommended for acceptance by the members of the transferor company by its directors. Every recommendation to the members of the transferor company shall also contain a statement of the interests of its directors, manager, managing directors (or their associates) in the transferee company.

8. A certificate from the auditors of the transferor company that the information contained in the offer/recommendation is correct.

Signature.....

Name.....

(In Block Capitals)

Designation.....

Notes :—1. Statement pursuant to sub-clause (ii) of clause (a) of sub-section (4) of section 395 shall be furnished separately.

2. Attention is invited to section 370 of the Companies Act, 1956.

APPENDIX TO FORM 35A

Financial and liquidity position of the company according to the latest balance-sheet.

	Rs.	Rs.
Current Assets		
(Including investments other than trade investments and investments in subsidiary and/or managed companies).....		
Less :		
Current Liabilities		
(Including short term loan liabilities)		
Liquid Surplus		
Add:		
(a) Fixed Assets		
(b) Trade investments and investments in subsidiary and/or managed companies.		
Less :		
Long term loans and liabilities		
NET WORTH AS ON.....(Date of balance sheet)		

Note : In making the above computation of net worth, adjustments in respect of the following items shall be made :

- (i) Intangible assets, e.g. good will etc.
- (ii) Doubtful assets, e.g. doubtful and debts etc.
- (iii) Deferred revenue expenditure
- (iv) Accumulated losses

- (v) Arrears of preference shares dividend.
 (vii) Any other appearing in the balance sheet, required to be deducted in accordance with accounting practice.

Total

Reconciliation of Net worth

Paid up Capital

Add :

• Reserves (Please specify details)

Less :

Intangible assets and other amount required to be deducted (vide Note above)

NET WORTH AS ON.....

(Date of balance sheet)

(xviii) after Form 35A the following Form shall be inserted, namely :—

“THE COMPANIES ACT, 1956

FORM NO. 35B

Fee Rs. 100/—

Registration No.....

Nominal Capital Rs.....

Application by Director/Managing Director or Manager to the Central Government to use power to prevent change in the Board of Directors likely to affect company prejudicially.

(Pursuant to section 409)

Name of a company.....

1. Address of the company.....

2. Particulars of applicants

(a) Name (In Block Capitals)

(b) Address

3. Precise and specific reasons for using powers

4. The statement made in paragraphs.....above are true to my knowledge and those in paragraphs.....are true the best of my information and belief.

Signature.....

Designation.....

Dated the.....day of.....19.....;

(xix) Form No. 36A and 36B shall be omitted.

(xx) For Form No. 52, the following Form shall be substituted, namely :—

“THE COMPANIES ACT, 1956

FORM NO. 52

Registration No.....

Nominal Capital.....

Notice of (A) alteration in the names and addresses of persons resident in India authorised to accept service on behalf of a Foreign Company, (B) Alteration in the address of principal place of business

in India of a Foreign Company, (C) List of places of business established by a Foreign Company in India, (D) Cessation to have a place of business in India.

(Pursuant to sections 593(d), (e), 594(3), 597(3))

Name of the company.....

Country of incorporation.....

The above named foreign company, having established a place of business in India at.....hereby gives notice :—

(A) of the alteration in the names and addresses of persons resident in India authorised to accept service on behalf of the company :

Present Name and surname in full	Usual residential address	Remarks as to alteration (give date)
(1)	(2)	(3)

(B) of the alteration in the address of principal place of business of the company in India.

The principal place of business in India was shifted from.....
.....with effect from.....

(C) of the places of business in India as at... (1)

1.....

2.....

3.....

(D) (1) that it ceased to have a place(s) of business in India at the following places since.....

(2) that the company is not maintaining place of business at any other place in India.

Signature.....

Name:.....

(In Block Capitals)

Designation.....

Dated the—.....day of.....19.....

Notes: 1. The date up to which the balance sheet and profit and loss account required to be delivered to the Registrar of Companies pursuant to section 594(1) of the Companies Act, 1956 are made out.

2. Portion not relevant should be deleted

3. Signature or signatures of one or more persons authorised under section 592(1) (d) of the Companies Act, 1956 or of some person in India duly authorised by the company.”;

(xxi) Form No. 54 and 54A shall be omitted.

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii),
No. 383, dated August 26, 1982.

MINISTRY OF AGRICULTURE

(G. S. R. 619(E)). *New Delhi, the 26th August, 1982* — In exercise of the powers conferred by section 25 of the Maritime Zones of India

(Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981), the Central Government hereby makes the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982:

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions*—In these rules, unless the context otherwise requires :—

(a) “Act” means the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981) ;

(b) “crew” includes the team of technical, semi technical, and non-technical member associated with the operation of the fishing vessels ;

(c) “flag state” in relation to a foreign vessel means the State in which the vessel is registered or, where the vessel is not registered, the State whose flag the vessel is entitled to fly ;

(d) “Form” means a Form annexed to these rules ;

(e) “licence” means a licence granted under section 4 ;

(f) “permit” means a permit granted under section 5 or under section 8, as the case may be ;

(g) “Schedule” means Schedule to these rules ;

(h) words and expressions used but not defined in these rules but defined in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981) shall have the meaning respectively assigned to them in that Act.

3. *Licences*—(1) Every owner of a foreign vessel or other person described in section 4 who intends to use vessel for fishing within any maritime Zone of India, make an application in Form A to the Central Government. This form shall include the following information :—

(a) the name and description of the vessel, its equipment and complements ;

(b) the flag state and home port of the vessel ;

(c) the name and address of the owner and master the vessel and, where applicable, its character ;

(d) the side number of the vessel, the radio frequencies and call sign ;

(e) a description of the proposed purpose and the period for which the licence is required ;

(f) the name and address of a person resident in India having a permanent office or establishment in India who is authorised by the owner of the vessel to represent him for the purpose of providing liaison with the Government of India ; and

(g) any information required by the Central Government or by an officer designated by it to grant a licence in any case where, in its opinion the information furnished by the applicant requires clarification or amplification.

(2) Every application referred to in sub-rule (1) shall be made not less than thirty days prior to the first day on which the licence is required;

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may, on receipt of an application, after making such enquiry as may be relevant, grant a licence in Form B for all or any of the following purposes, namely :—

- (i) to engage in commercial fishing;
- (ii) to tranship or take on board any fish, out fit or supplies while at sea;
- (iii) to process fish at sea;
- (iv) to transport fish from fishing grounds;
- (v) to land fish or fish products at an Indian port;
- (vi) to purchase or obtain bait, outfits, provisions or supplies (including fuel) at an Indian port.
- (vii) to effect repairs at an Indian Port;

4. *Validity of Licence* :—(1) Every licence shall,—
(a) be issued in original duplicates; and authenticated copies shall be distributed to enforcement and other concerned authorities;
(b) apply only to the foreign vessel described in the licence and, where applicable, to the crew of that vessel; and
(c) be valid for the period specified in the licence.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows :—

- (a) one licence shall be for the use of the licensee; and
- (b) one licence shall be retained by the Central Government.

5. *Term and conditions of licence*.—(1) Every licence, shall be subject to the following terms and conditions, namely :—

(a) the licensee shall pay to the Central Government an amount set out in the Schedule I for the purposes mentioned therein at the time of taking delivery of the licence;

(b) the master of the foreign vessel for which a licence is granted or a person acting on behalf of the master shall give twenty four hours prior notice to the authorised officer of—

(i) the estimated time of entry of the vessel into the maritime zone of India;

(ii) of the location of such entry; and

(iii) of the approximate schedule of activities to be conducted.

(c) the vessel and its crew shall engage only in the activities that are authorised by the licence;

(d) the activities authorised by the licence shall be carried out only at the time and in the areas of the maritime zone of India or ports set out in the licence;

(e) the licensee shall ensure that foreign members of the crew are employed only after obtaining necessary clearance from the Central Government. The Licensee shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;

(f) the master of each foreign fishing vessel during fishing operations shall notify the authorised officer the following :—

(i) time and positions of commencement of fishing;

(ii) the time and position of the temporary departure from the fishing grounds for the purpose of embarking or disembarking an observer or for a call at an Indian port or any other temporary departure from the grounds which will involve departure from the grounds which will involve departure from any authorised fishing area but which does not include departure from seaward limit of the fishing area beyond the Exclusive Economic Zone of India;

(iii) the name and position of the return to the fishing grounds following temporary departure described in sub-clause (ii) above;

(iv) the time and position of any shift in its fishing area;

(v) the time and position at which it will cease fishing and the leave the fish area;

(g) the master of the vessel shall communicate the information, to be notified under clause (f) to the officer of the Coast Guard in Porbander, Bombay Cochin, Tuticorin, Madras, Vishakhapatnam, Paradeep, Haldia or Port Blair, at least twenty four hours before the commencement or cessation of fishing. He shall record in communication log, the India Standard Time and the contents of each communication made under this clause. All the communications shall be in English;

(h) where the fishing is authorised by the licence,—

(i) the crew of the vessel shall fish only for the stocks or groups of stocks described in the licence;

(ii) the crew of the vessel shall not catch any fish by a species, size or age set out in the licence as prohibited catches, that are covered under the Wild Life (Protection) Act, 1972 (53 of 1972) and where such fish are caught they shall be retained and preserved on-board the vessel, accounted for in Form C and shall be surrendered at such places as may be directed by authorised officer;

(iii) the quantities of fish of any stock or group of stocks caught in any area of the maritime zone of India during the term of licence, or during any specified portion thereof, shall not exceed the quantities set out in the licence;

(iv) the crew of the vessel shall not discard any substantial quantities of fish of a stock or group of stocks caught in excess of the quantities set in the licence. Such quantities of stock or group of stocks shall be retained and preserved on board the vessel accounted for in Form D and shall be surrendered at such place as may be directed by the authorised officer;

(v) the crew of the vessel shall fish only by means of fishing equipment and gear of a kind set out in the licence; and

(vi) the master of the vessel shall cause written records to be maintained on a daily basis of the fishing effort and catch of the vessel and of any transshipment and other dispositions of the catch by quantities, species size and weight in Form E.

(i) where the transporting of fish from fishing grounds is authorised by the licence—

(i) Only the species and quantities of fish set out in the licence shall be taken on board the vessel for that purpose;

(ii) the fish may be taken on board only from vessel of a class set out in the licence; and

(iii) the master of the vessel shall cause written records to be maintained on a daily basis of the fish taken on board the vessel for transportation in Form F;

(j) Where the processing of fish is authorised by the licence, the master of the vessel shall cause written records to be maintained on a daily basis of the processing operations carried out and of the species, quantity and the state of processing of the fish taken on board the vessel for that purpose in Form G;

(k) the vessel shall have on board at all time during the period it is in maritime zone of India, equipment and fishing gear, including communications equipment, described in the licence as "required equipment";

(l) the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty four hours prior to that estimated time;

(m) where the vessel is in an area of the maritime zone of India and is not authorised by its licence to engage in fishing at that time in that area, all fishing gear on board the vessel shall be stowed in the manner specified in rule 14;

(n) the master of the vessel shall cause reports to be made of the position of the vessel in space and time, operational conditions, and the nature of fishing including, where applicable, its catch statistics, and any transshipments or other dispositions of its catch, at such times, to such persons and by such means as are set out in the licence.

(o) where the Central Government requires the vessel to carry out, from time to time, a programme of sampling, observation or research in connection with fisheries in the maritime zone of India, the master shall comply with instructions issued to him by the Government in respect of that programme;

(p) the master of the vessel shall, where required by the Central Government or an officer authorised in this behalf, permit a technical observer or observers designated in writing by that Government to go on board and remain on board, at a time and for a period specified in that behalf, for the purpose of recording scientific data and observations or taking samples and records or any other purpose specified in the order;

(q) the master of the vessel shall take all reasonable precautions to ensure the safety of any authorised officer or technical observer boarding or leaving the vessel at sea including the observance of practice of good seamanship and, where necessary, the placing of a board-ladder of good quality and design and safety line over the side of the vessel;

(r) where an authorised officer or technical observer is on board the vessel for a period of more than four hours, the master of the vessel

shall provide the authorised officer or technical observer with suitable food and accommodation;

(g) the master of the vessel shall,—

(i) at the request of an authorised officer or technical observer, arrange for that officer or observer to send or receive messages by means of communication facilities on board the vessel;

(ii) provide all reasonable assistance in his power to enable an authorised officer or technical observer to carry out his duties and functions, and to the use of vessel's navigation equipment and personal as necessary to determine the vessel's position ;

(t) the master of the vessel shall, at any time, while within the maritime zone of India, at the request of an authorised officer, proceed forthwith for inspection to a place at sea and to a port as may be specified by that officer ;

(u) the master of the vessel, upon being approached by an authorised officer in a vessel or ship or in an aircraft, shall immediately comply with any directions given to him by such authorised officer. For this purpose, the International Code of Signals, shall be used;

(v) The vessel shall, at all time while within the maritime zone of India,—

(i) fly the flag of the flag state ;

(ii) display in a place that is clearly visible both from the air and from sea level the letters and numbers identifying the vessel as set out in its licence, in white markings of at least one metre in white markings of at least one metre in height in the case of a vessel whose overall length exceeds twenty metres or one-half metre in height in any other case, on a black background, and where the markings are painted, the paint work shall be maintained in good condition so that the markings are clearly legible at all times;

(w) where the vessel is in the maritime zone of India, the master of the vessel or a person acting on behalf of the master shall notify the Central Government of the estimated time of departure from those waters not less than seventy two hours prior to that estimated time;

(x) the licensee shall, when required to do so, make arrangements for training of Indian crew and personnel on board the vessels;

(2) the licensee shall be bound all or any of the terms and conditions mentioned in sub-rule (1) and such additional conditions or restrictions as may be specified in the licence.

6. *Permits.*—(1) Every Indian citizen and person described in section 5 who intends to use any foreign vessel for fishing within any maritime zone of India shall make an application to the Central Government for a permit.

(2) Every application referred to in sub-rule (1) shall be in Form H and shall be made not less than thirty days prior to the first day on which the permit is required

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may on receipt of an application after making such enquiry as may be relevant, grant a permit in Form I for all or any of the purposes mentioned in sub-rule (4) of rule 3 of these rules.

7. *Validity of permit.*—(1) Every permit shall,

(a) be issued in original duplicates and authenticated copies are to be distributed to enforcement and other connected authorities.

(b) be valid for a period as may be specified in the permit and in no case exceed more than five years.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:—

(a) one permit shall be for the use of the permit holder ; and

(b) one permit shall be retained by the Central Government.

8. *Terms and conditions of permit.*—(1) Every permit shall be subject to the following terms and conditions, namely:—

(a) the permit holder (hereinafter referred to as the charterer in this rule) shall pay to the Central Government an amount of Rupees ten thousand per vessel per year at the time of taking delivery of the permit.

(b) the charter shall have the requisite managerial personnel who possess the necessary experience of fishing ;

(c) the charterer shall give an undertaking in the form of the bank guarantee, before the commencement of the charter, of an amount to be decided by the Central Government in each case to the Central Government that he shall purchase required number of vessels and put them in fishing operation in the Exclusive Economic Zone of India before the end of the stipulated period specified in the Schedule II.

(d) the charterer shall ensure that at least twenty per cent of the crew are Indian citizens and are posted as under studies to the foreign skipper, the engineer and to the other operational crew and that they shall be kept in readiness to embark on the chartered vessel at the time of inspection of the vessel by the authorised officer and shall remain on board the vessel throughout the charter period.

(e) the charterer shall ensure that the charter party provides for the settlement of disputes between the parties by arbitration in India.

(f) the Central Government may post scientist/observer on board each of the chartered vessel ; the charterer shall ensure that the Indian scientists and observers, when so directed by the Central Government are permitted on board the chartered vessel for collection and examination of such data and material as may be required by that Government and shall see that such scientists and observers are provided proper food and accommodation on board the vessel by the master of the vessel ;

(g) the charterer shall furnish to the Central Government valuation and sea worthiness certificates for the chartered vessel from an appropriate authority of its flag state and also furnish a copy thereof to the Director General of Shipping, Bombay ;

(h) the charterer shall cause to be furnished to the Central Government the necessary certificates to the effect that the chartered vessel meets with the requirements in respect of safety of vessels and crew as per the provisions of the Merchant Shipping Act, 1958 (44 of 1958) ;

(i) The charterer shall ensure that :—

(i). no fishing is done of the protected species which are covered under the Wild Life (Protection) Act, 1972 (53 of 1972) ;

(ii) such protected species, if caught are immediately returned to water alive, if possible, and if not they shall be retained and preserved on board the vessel and accounted for in Form C and shall be surrendered at such place as may be directed by the authorised officer ;

(j) the charterer shall not undertake shrimping operations for exploitation of coastal shrimps ;

(k) where the charterer is a company, the paid up share capital of the company shall not be less than rupees five lakhs during the charter period ;

(l) the charterer shall not pay any marketing commission without the prior approval of the Central Government ;

(m) the charterer shall ensure that the chartered vessel reports to the authorised officer before and after every fishing voyage and delivers the copy of the permit in its possession to the charterer before every departure to the foreign port ;

(n) the charterer shall ensure that the foreign members of the crew on the chartered vessel are employed only after obtaining necessary clearance from the Central Government ;

(o) the charterer shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government ;

(p) the charterer shall furnish to the Central Government voyage-wise statement of fish catch and exports from the chartered vessels with all the necessary details as set out in Form J ;

(2) The charterer shall be bound by,—

(i) all or any of the terms and conditions mentioned in sub-rule (1) ;

(ii) all or any of the terms and conditions applicable to the licence except condition prescribed in clause (a) of sub rule (1) of rule 5, and

(iii) such additional conditions or restrictions as may be specified in the permit.

9. *Display of licence or permit on board the vessel.*—(1) Subject to sub-rule (2), a copy of the licence or permit, duly attested by the issuing authority, shall be kept on board the foreign vessel described in the licence or permit while that vessel is in the maritime zone of India and shall be produced for examination by an authorised officer at his request.

(2) Every foreign vessel described in the licence or permit may enter in the maritime zone of India and proceed directly to an Indian port for the purpose of obtaining a copy of the licence or permit if,—

(a) all fishing gear on board the vessel is stowed in the manner specified in rule 14 ;

(b) the master of the vessel complied with any directions given to him by an authorised officer.

10. *Damage to Indian Vessels prohibited.*—No foreign vessel fishing in the maritime zone of India under the licence or a permit granted under these rules shall cause any damage either wilfully or through gross negligence to any fishing vessel, fishing stakes, fishing gear, fishing net or other fishing appliances owned or in possession of an Indian citizen ;

11. *Commencement of fishing operations.*—No foreign vessel fishing in the maritime zone of India under the licence or the permit granted under these rules shall commence fishing operations without the clearance from the Coast Guards.

12. *Fishing in territorial waters prohibited.*—No foreign vessel shall undertake fishing operations within the territorial waters of India, unless otherwise specifically permitted for any specified type of fishing and shall be subject to any other restrictions that may be specified in the licence or permit.

13. *Prohibition to carry any explosives poisonous or noxious substances.*—(1) No foreign vessel or any person shall carry or have in its possession or control any explosives, poisonous or other noxious substances or apparatus fitted for or capable of utilising an electric current, with the intention of using such explosives, poisonous or other noxious substances or apparatus for killing, stunning, disabling of catching fish. Any explosives, poisonous or other noxious substance found on board any vessel or in possession of any person, shall be presumed, unless the contrary is proved, to be intended for the use specified above.

(2) No foreign vessel or any person shall attempt to destroy or abandon any fishing gear, fishing net or other fishing appliances, explosives, poisonous, or other noxious substances or any other subject or thing with the intention to avoid their detection or seizure.

14. *Entry into maritime zone of India without licence/permit.*—(1) Subject to sub-rule (2), a foreign vessel may, without the authority of a licence or a permit enter the maritime zone of India for the purpose of passing through such waters in the course of a voyage to a destination outside the maritime zone of India.

(2) A foreign vessel that has entered in the maritime zone of India without the authority of a licence or a permit shall comply with the following conditions while in the maritime zone of India,—

(a) all fishing gear on board the vessel shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it not readily available for fishing ;

(b) all fishing nets, fishing lines, hooks, jigs, trawl boards, weights and floats shall be disconnected from their towing, connecting or hauling wires, ropes or rigid frames ;

(c) the master of the vessel shall comply with any directions given to him by an authorised officer; and

(d) where an authorised officer requests information respecting the name, flag state, location, route or destination of the vessel, or the circumstances under which it entered maritime zone of India, the master of the vessel shall promptly convey the information to the officer.

15. *Fishing for scientific research, investigation, etc.*—Where a foreign vessel is to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing, the Central Government may grant a permit to such foreign vessel under section 8 of the Act. Where such a permission is granted, the Central Government may apply all or any of the terms and conditions prescribed for the licence under rule 5 or for

permit under rule 8, as well as such additional conditions as may be specified.

16. Contravention of conditions of licence, permits of rules.—Contravention of any of the provisions of these rules shall be punishable with fine, which may extend to Rs. 50,000 without prejudice to the penalties which may be awarded under the Act.

SCHEDULE I

(See rule 5(1) (a))

Amount payable under rule 5 (1) (a)

Purpose of licence	Amount payable
1. Fishing by squid jigging.	Rs. 1,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence
2. Fishing by trawling	Rs. 2,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
3. Fishing by long lining/gill-netting.	Rs. 1,500/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
4. Fishing for tuna by longlining/purse-seizing/pole and line fishing.	Rs. 1,000/- per tonne of fish the vessel is permitted by the terms and conditions of the licence.
5. Transporting of fish	Rs. 500/- per tonne of fish carrying capacity of the vessel for each voyage.
6. For any other purpose mentioned in rule 3 (4),	Rs. 200/- per gross registered tonne of the craft for each voyage.

SCHEDULE II

(See rule 8 (1) (c))

Section of purchase of vessels

No. of vessels/ or pair of Vessels	No. of months from the beginning of the charter operation when obligatory purchase and fishing operation becomes due.
---------------------------------------	---

First vessel or first pair of vessel	Second vessel or second pair of vessel	Third vessel or third pair of vessel	Fourth vessel or fourth pair of vessel	Fifth vessel or fifth pair of vessel
---	---	---	---	---

1	18	...	...	...	...
2	18	30	...	...	...
3	18	24	33	...	...
4	18	24	33	42	...
5	18	24	33	42	51

FORM A

(See rule 3(1))

Form of Application of Licence

To

The Secretary to the Government of India,
Department of Agriculture and Cooperation,
Ministry of Agriculture,
Krishti Bhawan,
New Delhi-110001.
India.

Sir,

I hereby apply for a licence under section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, in respect of which the following particulars are furnished;

1. Name of the applicant and postal address.
2. Status of the applicant and his financial position (If the applicant is a company, full details thereof)
3. Present activities of the applicant including the specific activities relating to fishing.
4. Details of fishing vessels/fish processing units/export/import of fish as in the past three years.
5. Details of the proposed fishing project indicating particulars on fishing vessels, number of vessels to be operated, anticipated fish catch, project economics, processing and marketing arrangements, area and base of operation, etc.
6. Description of the vessel, equipment and complements :—
 - (a) Name of the Vessel.
 - (b) Flag state and home port of Vessel.
 - (c) Country and port of registration.
 - (d) Registration number.
 - (e) Radio call sign/signal letter/radio frequencies.
 - (f) Name of owner and master of the vessel.
 - (g) Nationality and address of owner and master.
 - (h) Purpose of vessel (kind of vessel).
 - (i) Kind of vessel's hull.
 - (j) Vessel's year (date of construction) and date of launching.
 - (k) Number of deck.
 - (l) Number of Mast.
 - (m) Registered length.
 - (n) Registered breadth.
 - (o) Registered depth (draft).
 - (p) Gross tonnage and net tonnage.
 - (q) Fish Hold capacity and Refrigeration Capacity.

- (r) Kind of main engine, name and place of main engine manufactured.
 - (s) Rated H P. main engine.
 - (t) Kind of propeller.
 - (u) Class of equipments (list).
 - (v) Certified crew capacity.
 - (w) Service limitations of the vessel.
 - (x) Name and address of the ship builder.
 - (y) Value of the vessel.
 - (z) Any other remarks.
7. The electrical specifications of the craft and its equipments.
8. Description of the proposed fishing operation :—
- (a) the species to be fished ;
 - (b) the method of fishing and type and dimensions of gear to be used and mesh sizes of different parts of fishing net.
 - (c) area/areas to be fished ;
 - (d) the amount of fish to be caught ;
 - (e) the period of time for which licence is sought ;
 - (f) the place in which the fish is to be landed and/or processed.
 - (g) a description of support operations and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out.
9. Name and address of the person resident in India appointed by the owner to represent him in all dealings with the Government and evidence of the extent to which he is authorised to undertake legal and financial obligations on behalf of the owner.
10. Plans for the use of Indian facilities in the support, provisioning and maintenance of vessels.
11. Such other information as may be required by the Government of India,
- Dated... Day... of..... of the year.....
- Signature of the applicant

FORM B

(See rule 3 (4))

(Omitted)

FORM C

(See rule 5 (1) (h) (ii))

Data on catch of prohibited fish species

(Omitted)

FORM D

(See rule 5 (1) (h) (iv))

Data on quantity of fish caught in excess of permitted quantum

(Omitted)

FORM E

(See Rule 5(1) (h) (vi))

Daily Cumulative Log

(Omitted)

FORM F

(See rule 5(1) (i) (iii))

Particulars of transshipment

(Omitted)

FORM G

(See rule 5 (1) (j))

Particulars of processing operations on board the vessel under licence.

(Omitted)

FORM H

(See rule 6 (2))

Form of Application for 'permit'**Outline Details Required for Proposed Operations**

1. Name of the applicant and postal address.
2. Whether the applicant is a registered company under the Companies Act, if so, furnish the following particulars :—
 - (a) Date and number of Registration and Place.
 - (b) Authorised, Sub-scribed and paid up share capital;
 - (c) Attach latest Balance-sheet.
 - (d) If the company comes under the provision of Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), please state whether necessary clearance is available.
3. The foreign collaborator's name, address, Telephone number, Telex number and name of Bankers and their activities in India and in other countries.
4. Present activities of the applicant if any :—
 - (a) Specified activities undertaken;
 - (b) Details of fishing vessels/fish processing units and fish export made during the past three years.
 - (c) Name of all Directors/Chief Executive/Operations Manager/ other employees of the Indian Company, their experience in marine fisheries indicating specified fields.
5. Details of the Project proposed to be taken up (enclose project report covering particulars on fishing vessels; anticipated fish production processing and marketing organisation, management, including financial sources, economics of operation, area and base of operation, identity of fishery resources to be exploited, catching method, gear to be employed, etc.).
 - (a) Type of vessels, type of gear and number of vessels proposed to be chartered (Enclose detailed specifications and general arrangement drawings and also a full list of machinery and equipment, navigation lights, life saving appliance, fire fighting equipment, inventory item etc.).
 - (b) Description of the vessel, equipment and crew complement (Enclose certificate given by competent authorities regarding valuation and sea worthiness of the vessels :—
 - (i) Name of the vessel.
 - (ii) Flag state and home port of vessel.
 - (iii) Country and port of registration.
 - (iv) Registration number.
 - (v) Radio call sign/signal letter/radio frequencies
 - (vi) Name of owner and master of the vessel.
 - (vii) Nationality and address of owner and master.
 - (viii) Purpose of vessel (Kind of vessel).

- (ix) Kind of Vessel's hull.
- (x) Vessel year (date of construction and date of launching).
- (xi) Number of deck.
- (xii) Number of mast.
- (xiii) Registered length.
- (xiv) Registered breadth.
- (xv) Registered depth (draft).
- (xvi) Gross tonnage and net tonnage.
- (xvii) Fish Hold capacity and refrigeration capacity.
- (xviii) Kind of main engine, name and place of main engine manufactured,
- (xix) Rated Horse power of main engine.
- (xx) Kind of propeller.
- (xxi) Class of equipments (list).
- (xxii) Certified crew capacity.
- (xxiii) Service limitations of the vessel.
- (xxiv) Name and address of the ship builder.
- (xxv) Value of vessel,
- (xxvi) Any other remarks.
- (c) Number, classification and experience of foreign crew.
- (d) Number and names of foreign personnel to be employed ashore.
- (e) Enclose authenticated copy of the offer received from foreign collaborator.
- 6. Duration of charter.
- 7. Annual rate of charterage or charterage for entire duration.
- 8. Whether the charterer retains option to purchase vessels after the charter period and terms thereof.
- 9. Whether the foreign collaborator is willing to assist in export of catches, if so, the terms and conditions.
- 10. Arrangements for training of India-counterparts.
- 11. Statement of foreign exchange inflow anticipated (excluding payments in foreign exchange out of total earnings by way of exports) for the duration of charter.
- 12. Total income, total expenditure and net profit anticipated for the duration of charter.
- 13. Form of charter party proposed to be entered into.
- 14. Financial arrangements (Describe in detail).
- 15. Proposals of shore establishment (if any);
 - (i) Intended location and description of any shore based plant.
 - (ii) Proposal for registration and date of completion of any shore based plant as a Registered Export Establishment.
 - (iii) Arrangements for processing catch.
 - (iv) Estimated annual output of the plant.
 - (v) Percentage of total catch to be processed and/or exported
 - (vi) Export market and marketing arrangements for total catch.

DECLARATION

I,/we.....by this declaration subscribed by me/us pursuant to and in compliance with section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, (42 of 1981), fully

understand all the provisions of the said Act and Rules and orders issued thereunder and agree to abide by them.

I/we.....further declare that the particulars furnished in the above application are true to the best of my/our knowledge.

Signature of the applicant (s)

FORM I

(See rule 6 (4))

(Omitted)

FORM J

(See rule 8 (1) (p))

Voyage-wise Statement to be Furnished by the Charterer

1. Name and address of the Charterer.

2. Particulars of fishing vessels ;

Name

Size

Over length

Gross Registered Tonnage.

Horse power of main engine.

Base of Operation.

3. Foreign.

Indian.

4. Period of voyage :—

(i) Date of departure from foreign port.

(ii) Date of entry into the Maritime Zone of India.

(iii) Date of reporting at the base of operation.

(iv) Period of fishing From To

(v) Date of departure from the base of operation.

(vi) Date of leaving the Maritime Zone of India.

5. Details of each fishing operation (for each haul)

(i) Haul Number.

(ii) Type and Size of Gear.

(iii) Position Shotting

Hauling

Latitude

Longitude

(iv) Time

Shot

Hauled

(v) Depth (meters)

(vi) Total catch (in kilograms)

Main species caught

Weight (Kilograms)

1.

2.

3.

4.

5.

6.

etc.

6. (i) Value declared at customs for the total catch and for each variety (in foreign currency).

(ii) Value realised on domestic marketing for each variety (in Indian rupees).

7. Quantity, value and country to which each item was exported.
8. Payment made to foreign collaborator :
In foreign exchange.
In Rupees.
9. Payment received from foreign collaborator.
In foreign exchange.
In Rupees.

Signature of the Charterer.

Published in the Gazette of India, Part II Sec. 3(i),
dated May 8, 1982.

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

G.S.R. 433. *New Delhi, the 8th September, 1981.*—In exercise of the powers conferred on it by Sections 18 and 66 of the **Monopolies and Restrictive Trade Practices Act, 1969** (54 of 1969), the Monopolies and Restrictive Trade Practice Commission hereby makes the following Regulations further to amend the Monopolies and Restrictive Trade Practices Commission Regulations, 1974 namely :

1. (1) These Regulations may be called the **Monopolies And Restrictive Trade Practices Commission (Amendment) Regulations, 1981.**

(ii) They shall come into force immediately.

2. For existing Regulation 1 (1) of the Monopolies and Restrictive Trade Practice Commission Regulation, 1974; (hereinafter referred to as the principal Regulations), the following shall be substituted :

“1 (1) These Regulations may be cited as “The Monopolies and Restrictive Trade Practices Commission Regulations, 1974”.

(2) They shall come into force on the date of their publication in the Official Gazette.”

3. The existing Regulation 1 (2) of the principal regulations, 1974 shall be renumbered as regulation 1(3).

4. The words and commas, “as amended to date”, occurring in the existing Regulation 2 of the Principal Regulations, 1974 shall be deleted.

5. The words and figures “having a membership of not less than 25 persons” occurring in the existing Regulation 3 (c) of the principal Regulations 1974 shall be deleted.

6. The word “or Hindi” shall be added after the word “English” occurring in the existing Regulation 4 of the principal Regulations, 1974.

7. The words “or Hindi” shall be added after the words “other than English occurring in the existing Regulation 5 of the principal Regulations, 1974.

8. The words “prescribed fees and charges” occurring in the existing Regulations 12 (1) and (2) of the principal Regulations, 1974 shall be substituted by “fees and charges as prescribed by these Regulations”

9. The word “Case” occurring in the existing regulation 12 (1) shall be substituted by the words “proceedings.”

10. The words and the commas “Deputy Secretary, Administrative Officer”. occurring in the existing Regulation 12 (4) of the principal Regulations, 1974 shall be deleted.

11. The following Sub-Regulation (6) shall be added after sub-regulation (5) of existing Regulation 12 of the principal Regulations 1974 :

“(6) Every duly authorised officer of the Central or State Government shall be entitled, on authorisation by the Commission, free of charge, at all reasonable times to inspect the file of proceeding before the Commission and to take copies or extract from any document therein and to be furnished such copies or extracts.”

12. The word “party/parties” occurring in the existing Regulations, 16(1) and 36 (4) (10) of the principal Regulations, 1974 shall be substituted by the words “person (s)”

13. The word “prescribed” occurring in the existing Regulation 17 (1) of the principal Regulations, 1974 shall be substituted by “prescribed by the Commission”.

14. The following new Regulation 13A shall be added after the existing Regulation 18 of the principal Regulations, 1974 :

“13A. *Enforcement of orders passed by the Commission.*—Secretary shall ensure enforcement and compliance of the orders passed by the Commission for directions for such investigation as may be required, to be carried on by the Director of Investigation or Registrar or any officer of the Commission.”

15. The words “before issuing any process” shall be inserted in between the words “shall” and “direct” occurring in the existing Regulation 19 (1) of the principal Regulations, 1974.

16. The words, commas and full stop, “etc.” occurring in the existing Regulations 46 (1), 47 (1), 48 and 84 of the principal Regulations, 1974 shall be deleted.

17. Existing Regulation 63 of the principal Regulations, 1974 shall be substituted as under :

“63. *Publication of the Notice of Enquiry and Orders passed by the Commission* :—(1) Short particulars regarding the enquiry by the Commission and the orders passed by the Commission may be published at such time and in such manner and in such daily newspapers by the Secretary, as the Commission may, by any general or special order, direct.

(2) The Secretary may also issue Press Releases in such manner as he may deem fit or as directed by the Commission.

18. The following Proviso and explanation shall be added after the existing Regulation 65 of the principal Regulations, 1974 :

“Provided that a respondent may enter an appearance through an authorised representative who shall be a member of the Institute of Chartered Accountants of India, or the Institute of Cost and Works Accountants of India or the Institute of Company Secretaries of India having an office in Delhi or New Delhi”.

Explanation.—The advocate and/or the member of the above mentioned Institutes named by the respondent in the Memorandum of Appearance, shall file Vakalatnama/Power of Attorney at the time of appearance”.

19. The words “as if they are included herein” occurring in the existing Regulation 71 of the principal Regulations, 1974 shall be deleted.

20. The words "grants" occurring in the existing Regulation 72 (3) of the principal Regulations, 1974 shall be substituted by the word "allows";

21. For the brackets and figure "(3)" occurring in the existing Regulation 74(7) of the principal Regulations, 1974 shall be substituted by the brackets and figure "(6)".

22. The following sub regulation (8) shall be added after sub-regulation (7) of the existing Regulation 74 of the principal Regulations, 1974 :

"(8) The Director of Investigation or the Registrar as the case may be, shall file the list of documents on which he wants to rely, within such time as the Commission may specify and in any case not later than 15 days before the commencement of final hearing".

23. The following sub-regulation (9) shall be added after the newly added Regulation 74(8) of the principal Regulations, 1974 :

"(9) Any respondent may, after the pleadings are closed, seek directions of the Commission for delivery of interrogatories and the Commission may give such direction as it may think fit".

24. The words "Director of Investigation" shall be inserted after the words "Registrar or" occurring in the existing Regulation 78 of the principal Regulations, 1974

25. The words "Director of Investigation" shall be added after the words "making the reference" occurring in the last sentence in the existing Regulation 84 of the principal Regulations, 1974.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 330, dated November 9, 1982.

• MINISTRY OF SHIPPING & TRANSPORT

G. S. R. 677(E). *New Delhi, the 9th November, 1982.*—Whereas the draft rules further to amend the Motor Vehicles (Third Party Insurance) Rules 1946, were published as required by sub-section (1) of section 133 of the said Act, in the Gazette of India Part II, Section 3, Sub-section (i), dated 15th September, 1982 under notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing), No. GSR 570E dated 15th September, 1982 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a forty five days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 15th day of September, 1982.

And whereas objections or suggestions received in the matter have been considered.

Now, therefore, in exercise of the powers conferred by Section 111 of the Motor Vehicles Act, 1939 (4 of 1939), read with Section 22 of General Clauses Act 1897 X of 1897), the Central Government hereby makes the following amendments to the Motor Vehicles (Third Party Insurance) Rules, 1946—

1 (1) These rules may be called the Motor Vehicles (Third Party Insurance) (Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 15B of the Motor Vehicles (Third Party Insurance) Rules, 1946 ;

(a) in sub-rule (1), for words "one lakh", the words "five lakhs" shall be substituted.

(b) in sub-rule (2), for the letters and figures "Rs. 100/-", the letters and figures "Rs 200/-", shall, shall be substituted ;

(c) in sub-rule (3) and the proviso, for the words, letters and figures "rupees twelve lakhs or Rs. 1500/-", wherever they occur, the words "rupees twenty lakhs or rupees two thousand five hundred" shall be substituted.

Published in the Gazette of India, Extra ordinary. Part II,
Section 3, Sub-section (ii), No. 470, dated October 14, 1982.

MINISTRY OF FINANCE

S.O. 742(E).—*New Delhi, the 14th October, 1982.*—In exercise of the powers conferred by section 114, read with sub-section (6) of section 27 of the Gold (Control) Act, 1968 (45 of 1968) the Central Government hereby makes the following rules further to amend the Gold Control (Licensing of Dealers) Rules, 1969, namely :—

1. (1) These rules may be called the Gold Control (Licensing of Dealers) Amendment Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Gold Control (Licensing of Dealers) Rules, 1969, in rule 3, in clause (c) for the words "twelve months", the words "thirty-six months" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3
Sub-section (ii), No. 470, dated October 14, 1982.

MINISTRY OF FINANCE

S.O. 743(E).—In exercise of the powers conferred by section 114 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules further to amend the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968, namely :—

1. (1) These rules may be called the Gold Control (Forms, Fees and Miscellaneous Matters) Amendment Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 6 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) The licence so issued shall be valid for a period not exceeding three years and shall expire on the 31st day of December of the year in which its validity expires."

3. In the Appendix to the said rules, in the Schedule attached to Form No. G.S. 6, in item 13, for the figures and letter "12 months", the figures and letter "36 months" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section (i), No. 375, dated December 10, 1982

MINISTRY OF ENERGY

G. S. R. 750 (E). *New Delhi, the 10th December, 1982* — In exercise of the powers conferred by section 3E read with sections 6 and

7 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1958), the Central Government hereby makes the following scheme further to amend the Coal Mines Family Pension Scheme, 1971, namely :—

1. (1) This Scheme may be called the **Coal Mines Family Pension (Amendment) Scheme, 1982**.

(2) It shall be deemed to have come into force with effect from the first day of April, 1982.

2. In the Coal Mines Family Pension Scheme, 1971,—

(1) in paragraph 3, in the second proviso under sub-paragraph (b), for the figures “58”, the figures “59” shall be substituted ;

(2) in paragraph 12,—

(a) in sub-paragraph (1) for the words “not less than two years”, the words “not less than one year” shall be substituted ;

(b) in the Table below sub-paragraph (1), for the words and figures “Rs. 40”, the words and figures “Rs. 60” shall be substituted ;

(3) after paragraph 12, the following paragraph shall be inserted, namely :—

“12A. *Supplementary relief to pensioners*—On and from the date of coming into force of the Coal Mines Family Pension (Amendment) Scheme, 1982, the Central Government may grant to the pensioners in receipt of the monthly family pension, supplementary additions at such rates and in such manner as may be notified from time to time” ;

(4) in paragraph 15, in sub-paragraph (1), for the words “two years”, the words “one year” shall be substituted ;

(5) in paragraph 16, in sub-paragraph (1), for the words and figures “not less than two years” and “Rs. 1,000/—” wherever they occur, the words and figures “not less than one year” and “Rs. 2,000” shall, respectively, be substituted ;

(6) in paragraph 17, in sub-paragraph (1), for the words, “not less than two years”, the words “not less than one year” shall be substituted ;

(7) in paragraph 18,—

(a) in the proviso to sub-paragraph (1), for the words and figures “2 years” the words “one year” shall be substituted ;

(b) in sub-paragraph (2), for the words “before the completion of two years”, the words “before the completion of one year” shall be substituted ;

(8) in sub-paragraph 19,—

(a) in sub-paragraph (1), for the words and figures “Rs. 40”, the words and figures “Rs. 60” shall be substituted ;

(b) after sub-paragraph (1), the following proviso shall be inserted, namely :—

“Provided that the minimum family pension shall not, in any case, be less than Rs. 60” ;

Published in the Gazette of India, Extraordinary, Part II, Section 3
Sub-section (ii), No. 517, dated November 10, 1982

MINISTRY OF FINANCE

S O. 795 (E). *New Delhi, the 10th November, 1982*—In exercise of the powers conferred by Section 114 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules to amend the Gold (Control) Appeals Rules, 1982, namely :—

1. (1) These rules may be called **the Gold (Control) Appeals (Amendment) Rules, 1982.**

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In Chapter V of the Gold (Control) Appeals Rules, 1982, rules 11, 12, 13, 14, 15, 16 and 17 shall be omitted.

Published in the Gazette of India, Extraordinary, Part IV, Section 3-Sub-section (ii), No. 549, dated December 18, 1982.

MINISTRY OF INDUSTRY

S. O. 851(E). *New Delhi, the 18th December, 1982.*—In exercise of the powers conferred by sections 18-G and 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Cement Control Order 1967, namely :—

1. (1) This Order may be called **the Cement Control (Fourth Amendment) Order, 1982.**

(2) It shall come into force with immediate effect.

2. In the Cement Control Order 1967, paragraph 9 shall be re-numbered as Sub-paragraph (1) thereof and after sub-paragraph (1) as so re-numbered, the following sub-paragraph shall be inserted, namely :—

“(2) Where any producer fails to pay the amount within the period specified in sub-paragraph (1), he shall be liable to pay simple interest on such amount to be calculated at the rate of 20 per cent per annum, for the period of default of such payment.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 Sub-section (ii), No. 545, dated December, 10, 1982.

MINISTER OF COMMERCE

S. O. 847(E)/No. E(C)O, 1977/AM(253). *New Delhi, the 10th December, 1982.*—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called **the Exports (Control) Twenty-Fourth Amendment Order, 1982**

2. In the Exports (Control), Order, 1977 :

(i) In Schedule I Part B the existing entry appearing against S. No. 37 shall be deleted.

(ii) In OGL-3, the existing entry appearing against Sl. No. 24 shall be deleted.

Published in the Gazette of India, Extraordinary, Part IV, Section 3 Sub-section (ii), No. 564, Dated December 31, 1982.

MINISTRY OF SHIPPING AND TRANSPORT

S. O. 869(E). *New Delhi, the 31st December, 1982.*—In exercise of the powers conferred by sub-section (2), of section 1 of the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), the Central Govern-

ment hereby appoints the 10th day of December, 1982, as the date on which the provisions of sections 8 and 9 of the said Act, shall come into force.

Published in the Gazette of India Extraordinary Part II-Section 3,
Sub-section (i), No. 334, dated November 10, 1982.

MINISTRY OF FINANCE

G.S.R. 681 (E). *New Delhi, the 10th November, 1982*—In exercise of the Powers conferred by sub-section (1) of Section 156 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules to amend the Customs (Appeals), 1982, namely :—

1. These rules may be called the Customs (Appeals, Amendment Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Chapter V of the Customs (Appeal) Rules 1982, Rule 11, 12, 13, 14, 15, 16 and 17 shall be omitted.

Published in the Gazette of India, Extraordinary Part II-Section 3,
Sub-section (ii), No. 510, Dated November 9, 1982.

MINISTRY OF FINANCE

S.O. 787 (E). *New Delhi, the 9th November, 1982*.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Paper (Regulation of Production) Order, 1978, namely :—

1. (1) This Order may be called the Paper (Regulation of Production) Amendment Order, 1982

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Paper (Regulation of Production) Order 1978, in clause 2; in sub-clause (1) after the words “by order, exempt” the words “for reasons to be recorded in writing”, shall be inserted

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (ii), No. 515, dated November 10, 1982

MINISTRY OF INDUSTRY

S.O. 793(E). *New Delhi, the 10th November, 1982*.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951(65 of 1951), the Central Government hereby makes the following amendment to the Two Wheeler Vehicles (Restrictions on Re-sale) Order, 1981 namely:—

1. (1) This order may be called the Two Wheeler Vehicles (Restriction on Re-sale) Amendment Order, 1982.

(2) It shall come into force on the date of its publications in the Official Gazette.

2. In the Two Wheeler Vehicles (Restriction on Re-sale) order, 1981, (a) in Clause 2,—

(i) for item (1) the following item shall be substituted, namely:—

“(1) “two wheeler vehicle” means any powered two wheeler manufactured or assembled in India from imported components wholly or partly and includes every such description of motor-vehicles, whether called a scooter, scooterette, motor-cycle moped or by any other name.”

(ii) Item (4) shall be omitted.

(b) the schedule shall be omitted.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 523, dated November 13, 1982.

MINISTRY OF SHIPPING AND TRANSPORT

S.O. 802(E) *New Delhi, the 15th November, 1982*—In exercise of the powers conferred by sub-section (2) of section 1 of the Road Transport Corporations (Amendment) Act, 1982 (63 of 1982), the Central Government hereby appoints the date of publication of this notification in the Official Gazette as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 458, dated October 11, 1982.

MINISTRY OF FINANCE

S.O. 722(E). *New Delhi, the 11th October, 1982*—In exercise of the powers conferred by sub-rule (2) of rule 1 of the Gold (Control) Appeals Rules, 1982, the Central Government hereby appoints the 11th day of October, 1982, as the date on which the said rules shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 520, dated November 12, 1982.

MINISTRY OF CIVIL AVIATION

S.O. 798(E). *New Delhi, the 12th November, 1982*.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Anti-Hijacking Act, 1982 (65 of 1982), the Central Government hereby appoints the 15th day of November, as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 520, dated November 12, 1982.

MINISTRY OF CIVIL AVIATION

S.O. 799(E).—In exercise of the powers conferred by sub-section (3) of section 1 of the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (66 of 1982), the Central Government hereby appoints the 15th day of November, 1982, as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3 Sub-section (i) No. 297, dated October 11, 1982.

MINISTRY OF FINANCE

G.S.R. 598 (E) *New Delhi, the 11th October, 1982*.—In exercise of the powers conferred by sub-rule (2) of rule 1 of the Central Excise (11th Amendment) Rules, 1982, the Central Government hereby appo-

into the 11th day of October, 1982, as the date on which the said rules shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 415, dated October 23 1982.

MINISTRY OF FINANCE

B.O. 758 (E). *New Delhi, the 23rd October, 1982.*—In exercise of the powers conferred by sub-section (2) of section 4 of the **Gold (Control) Act, 1968** (45 of 1968), the Central Government hereby appoints all the Collectors of Central Excise (Appeals) and all the Collectors of Customs (Appeals) to be Collectors (Appeals) for the purpose of the said Act.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 316 dated October 29, 1982

MINISTRY OF AGRICULTURE

G.S.R. 632 (E) *New Delhi, the 29th October, 1982*—In exercise of the powers conferred by sub-section (2) of section 1 of the **Sugar Cess (Amendment) Act, 1982** (57 of 1982) the Central Government hereby appoints the 1st day of November, 1982, as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 340, dated November 12, 1982.

MINISTRY OF AGRICULTURE

G.S.R. 688 (E) *New Delhi, the 12th November, 1982*—In exercise of the powers conferred by sub-section (2) of section 1 of the **Sugar Development Fund (Amendment) Act 1982** (64 of 1982), the Central Government hereby appoints the 13th day of November, 1982, as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 294, dated October 11, 1982.

MINISTRY OF FINANCE

G.S.R. 594 (E) *New Delhi, the 11th October, 1982.*—In exercise of the powers conferred by sub-rule (2) of rule 1 of the **Customs (Appeals) Rules, 1982**, the Central Government hereby appoints the 11th day of October, 1982, as the date on which the said rules shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) No. 296, dated October 11, 1982.

MINISTRY OF FINANCE

G.S.R. 597(E). *New Delhi, 11th October, 1982.*—In exercise of the powers conferred by sub-section (2) of section 50 of the **Finance (No. 2) Act, 1980** (44 of 1980), the Central Government hereby appoints the 11th day of October, 1982, as the date on which the amendments directed to be made by sub-section (1) of the said section (being amendments to provide for an Appellate Tribunal under the Customs Act, 1962 (52 of

1962), the Central Excises and Salt Act, 1944 (1 of 1944), and the Gold Control Act, 1968 (44 of 1968), and for matters connected therewith) shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), 475, dated October 15, 1982

MINISTRY OF COMMERCE

S O. 748(E). New Delhi, the 15th October, 1982.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the Exports (Control) 22nd Amendment Order, 1982.

2. In the Exports (Control) Order, 1977, the existing clause “15 (j)” shall be substituted by the following :—

“products manufactured in and exported from the respective Free Trade Zones.”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 504, dated November 5, 1982

MINISTRY OF COMMERCE

S.O. 781 (E)/No. E (C) O, 1977/AM (252). New Delhi, the 5th November, 1982.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947, (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the Exports (Control) Twenty third Amendment Order, 1982.

2. In the Exports (Control) Order, 1977—

(i) In part ‘B’ Schedule I, the existing entry appearing against S. 25 shall be deleted.

(ii) In part ‘A’ Schedule I, the following item shall be added after S. No 8 (xvi) :—

“(xvii)—Nux Vomica Seeds, bark, leaves, root and powder thereof.”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 292, dated October 8, 1982.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

G. S. R. 592(E). New Delhi, the 8th October, 1982.—In exercise of the powers conferred by sub-section (2) of section 1 of the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981 (26 of 1981), the Central Government hereby appoints the 30th day of October, 1982 as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary, Part II,
Section 3, sub-section (i), No. 327, dated October 5, 1982.

MINISTRY OF AGRICULTURE

G S. R. 663(E) *New Delhi the 5th November, 1982.*—In exercise of the powers conferred by clause (b) of Sub-section (2) of section 41 of the Warehousing Corporations Act, 1962 (58 of 1962) the Central Government hereby makes the following rules further to amend the Central Warehousing Corporation Rules, 1963, namely :—

1. (1) These rules may be called the **Central Warehousing Corporation (Amendment) Rules, 1982**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Warehousing Corporation Rules, 1963, in rule 3, for clause (iv), the following clause shall be substituted, namely :—

“(iv) a representative of the Central Board of Excise and Customs in the Ministry of Finance (Department of Revenue), Government of India.”

Published in the Gazette of India, Extraordinary Part II, Section 3,
sub-section (i), No. 293, dated October 11, 1982.

MINISTRY OF FINANCE

G S. R. 593(E). *New Delhi, the 11th October, 1982.*—The Customs, Central Excise and Gold (Control) Removal of Difficulties Order, 1982.

In exercise of the powers conferred by sub-section (3) of section 50 of the Finance (No. 2) Act, 1980 (44 of 1980), the Central Government hereby makes the following Order, namely:—

1. (1) This Order may be called the **Customs, Central Excise and Gold (Control) Removal of Difficulties Order, 1982.**

(2) It shall come into force on the 11th day of October, 1982.

2. The period within which an appeal against any order passed before the appointed day, by—

(a) the Central Board of Excise and Customs or the Appellate Collector of Customs under section 128 of the Act, as it stood immediately before that day; or

(b) the Central Board of Excise and Customs or the Collector of Customs under section 130 of the Act, as it stood immediately before that day,

may be filed, shall, without prejudice to the provisions of sub-section (5) of section 129A of the Act, be six months from the date on which the said order is communicated to the Collector of Customs, or, as the case may be, the other party preferring the appeal.

Explanation: In this paragraph—

(i) “Act” means the Customs Act, 1962 (52 of 1962),

(ii). “Appointed day” means the date of coming into force of the amendments to the Act specified in Part I of the Fifth Schedule to the Finance (No. 2) Act, 1980 (44 of 1980)

3. The period within which an appeal against any order passed before the appointed day, by—

(a) the Central Board of Excise and Customs or the Appellate Collector of Central Excise under section 35 of the Act, as it stood immediately before that day; or

(b) the Central Board of Excise and Customs or the Collector of Central Excise under section 35A of the Act, as it stood immediately before that day, may be filed, shall, without prejudice to the provisions of sub-section (5) of section 35B of the Act, be six months from the date on which the said order is communicated to the Collector of Central Excise, or as the case may be, the other party preferring the appeal.

Explanation.—In this paragraph—

(i) “Act” means the Central Excises and Salt Act, 1944 (1 of 1944);

(ii) “appointed day” means the date of coming into force of the amendments to the Act specified in Part II of the Fifth Schedule to the Finance (No. 2) Act, 1980 (44 of 1980)

4. The period within which an appeal against any order passed before the appointed day, by—

(a) the Administrator, Collector of Central Excise or of the Customs or the Appellate Collector of Customs under section 80 of the Act, as it stood immediately before that day; or

(b) the Administrator under section 81 of the Act, as it stood immediately before that day.

may be filed, shall, without prejudice to the provisions of sub-section (6) of section 81 of the Act, be six months from the date on which the said order is communicated to the Collector of Central Excise or of Customs, or, as the case may be, the other party preferring the appeal.

Explanation.—In this paragraph—

(i) “Act” means the Gold (Control), Act, 1968 (45 of 1968);

(ii) “appointed day” means the date of coming into force of the amendments to the Act specified in Part II of the Fifth Schedule to the Finance (No. 2) Act, 1980 (44 of 1980).

Published in the Gazette of India, Extraordinary Part-II,
Section 3, Sub-section (i), No. 317, dated October 30, 1982

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
THE HIGH COURT AT BOMBAY (EXTENSION OF JURISDICTION
TO GOA, DAMAN AND DIU) RE-MOVAL OF DIFFICULTIES
ORDER, 1982.

G.S.R. 633(E). *New Delhi, the 30th October, 1982.*—The following order made by the Central Government under sub-section (1) of section 13 of the High Court at Bombay (Extension of jurisdiction to Goa, Daman and Diu) Act, 1981 (26 of 1981) is hereby notified as required by that sub-section namely :—

In exercise of the powers conferred by sub-section (1) of section 13 of the High Court at Bombay (Extension) of Jurisdiction to Goa, Daman and Diu) Act, 1981 (26 of 1981), hereinafter referred to as the said Act, the Central Government makes the following order, namely:—

1. *Short title and commencement.*—(1) This order may be called

the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Removal of Difficulties Order, 1982.

(2) It shall come into force on the appointed day as defined in clause (a) of section 2 of the said Act.

2. *Adaption of rules and forms.*—(1) All the rules relating to procedure and conduct of cases before the Court of the Judicial Commissioner (Including rules for the charging of fees for certified copies and for court processes) which were in force immediately before the appointed day (hereinafter referred to as the said rules) shall continue in force and shall be applicable mutatis mutandis to proceedings before the bench of the High Court at Bombay established under section 9 of the said Act (hereinafter referred to as the said bench) subject to the power of the said High Court by the Registrar of the Court of the Judicial Commissioner for Goa, Daman and Diu under the said rules immediately before the appointed day shall be exercised by the Special Officer of the said bench.

(2) In the absence of any provision in the said rules on any particular matter, the Bombay High Court Appellate Side Rules, 1960 shall apply to proceedings before the said bench.

(3) The rules framed by the Court of the Judicial Commissioner under any law enabling him in this behalf for guidance of the Subordinate Judiciary in the Union Territory of Goa, Daman and Diu, before the appointed day shall continue in force until further orders.

(4) The forms of writs as are followed in the High Court of Bombay, shall be followed in proceedings before the said bench.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 469, dated October 14, 1982.

MINISTRY OF FINANCE

S.O. 740(E). *New Delhi, the 14th October, 1982.*—In exercise of the powers conferred by section 114 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules further to amend the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968 namely:—

1. (1) These rules may be called the **Gold Control (Forms, Fees and Miscellaneous Matters) Amendment Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968,—

(i) in Form No. GS. 6A, in item 3—

(a) in sub-item (i), for the words “one lakh rupees”, the words “ten thousand rupees” shall be substituted;

(b) in sub-item (ii) for the words “one thousand grammes” the words “one hundred grammes” shall be substituted;

(ii) In Form No. GS 8A, in item—

(a) in sub-item (i), for the words “one lakh rupees” the words “ten thousand rupees” shall be substituted;

(b) in sub-item (iii), for the words “one thousand grammes”, the words “one hundred grammes” shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 469, dated October, 14, 1982.

MINISTRY OF FINANCE

S O. 741 (E).—In exercise of the powers conferred by section 114, read with sub-section (6) of section 27 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules further to amend the Gold Control (Licensing of Dealers) Rules, 1969, namely :—

1. (1) These rules may be called the **Gold (Licensing of Dealers) Amendment Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Gold Control (Licensing of Dealers) Rules, 1969,—

(a) in rule 2A, in sub-rule (2), in clause (c), for the words “one lakh rupees”, the words “ten thousand rupees” shall be substituted;

(b) in rule 3, in clause (i), for the words “one lakh rupees”, the words “ten thousand rupees” shall be substituted.

Published in the Gazette of India, Part II, Section 3, sub-section (i), No. 52, dated 25th December, 1982.

SUPREME COURT OF INDIA

G.S.R. 994. *New Delhi, the 8th December, 1982.*—In exercise of the powers conferred by article 145 of the Constitution, and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely :—

1. (1) These rules may be called the **Supreme Court (2nd Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966—

(i) in Order VI :

(a) in rule 2 (2) for the words “in forma pauperis” the words “where permission was granted to sue as an indigent person” shall be substituted;

(b) in rule 2(22) for the words “in forma pauperis” the words “as an indigent person” shall be substituted;

(ii) in Order X, in proviso to rule 5, for the words “a pauper” the words “an indigent person” shall be substituted;

(iii) in Order XVII :

(a) for the heading “Pauper Appeal and Application”, the heading “Appeal and Applications by Indigent Person” shall be substituted;

(b) in rule 1, proviso to rule 3, rule 4, rule 5, rule 6, rule 7 (a), (b) and (c), rule 8, rule 9 and rule 13, for the words ‘a pauper’ wherever they occur, the words “an indigent person” shall be substituted;

(c) in rule 6, Rule 7 (a) (b) and (d) and rule 12 for the word ‘pauper’ wherever it occurs, the words “indigent person” shall be substituted;

(d) in rule 3 and proviso to the said rule, for the word “pauperism” the word “indigency” shall be substituted;

(e) in rule 6, for the word "paupers", the words "indigent person" shall be substituted;

(f) in rule 7 (d), for the words "a pauper appeal", the words "an appeal by an indigent person" shall be substituted;

(g) in rule 9, for the words "is dispaupered", the words "the permission granted to him to sue as an indigent person has been withdrawn" shall be substituted; and

(h) in rule 12, for the words "pauper appeal" the words "appeal by an indigent person" shall be substituted.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 52, dated December 25, 1982.

SUPREME COURT OF INDIA

G. S. R. 995. *New Delhi, 8th December, 1982.*—In exercise of the powers conferred by Article 145 of the Constitution, and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely :—

1. (1) These rules may be called the **Supreme Court (3rd Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966—

(a) in Order XVI, rule 4 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so re-numbered, the following sub-rules shall be inserted ; namely :—

"(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned judgment or order earlier, and if so, with what result, duly supported by an affidavit of the petitioner or his Pairokar only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or, if special leave has already been granted therein, revoke the same";

(b) in Order XXI, rule 3 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rules shall be inserted namely :—

"(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned judgment or order earlier, and if so, with what result, duly supported by an affidavit of the petitioner or his Pairokar only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or, if special leave has already been granted therein, revoke the same";

(c) in Order XLVIII, in rule 10, in part II,—

(i) item Number 6 shall be omitted ;

(ii) item Numbers 7 to 12 shall be re-numbered as item Numbers 5 to 11 ;

(iii) after item Number 11 as so re-numbered the following item shall be added as item Number 12 namely :—

“12. Surplus copies of printed records, and of pleadings and petitions.—One Year”.

Published in the Gazette of India, Part II, Section 3, sub-section (i),
No. 52, dated December 25, 1982.

MINISTRY OF LABOUR AND REHABILITATION

G S R. No. 1010. New Delhi, the 8th December, 1982.—Whereas the draft of certain rules to amend the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Rules, 1978 was published as required by sub-section (i) of section 14 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976 (55 of 1976), at pages 1351-52 of the Gazette of India, Part-II, Section 3, Sub-section (i) dated June 12, 1982 under the Notification of the Government of India in the Ministry of Labour No. G. S R 549, dated the 31st May, 1982, inviting objections and suggestions from all persons likely to be affected thereby, on or before 11th August, 1982 ;

And whereas copies of the said Gazette were made available to the public on 12th June, 1982 ;

And whereas no objection or suggestions have been received from the public before the expiry of the said date ;

Now, therefore, in exercise of the powers conferred by section 14 of the said Act, the Central Government hereby makes the following rules namely :—

1. (1) These rules may be called **the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess (Amendment) Rules, 1982**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Iron Ore Mines and Manganese Ore Mines Labour welfare Cess Rules, 1978, (hereinafter referred to as the said rules), for clause (b), the following clause shall be substituted, namely:—

“(b) ‘Cess Commissioner’ means the Iron Ore Mines and Manganese Ore Mines Cess Commissioner specified under rule 3, in whose jurisdiction a metallurgical factory or an iron ore mine or a manganese ore mine is located” ;

3. In rule 6 of the said rules, after sub-rule (1), the following sub-rules shall be inserted, namely :—

“(IA) Every owner of an iron ore mine or a manganese ore mine, besides maintaining a register in Form ‘A’ as provided in rule 5, shall submit return in the same form to the Cess Commissioner every month, not later than the last day of the month following the month to which the return relates

(IB) Every person by whom iron ore or manganese ore is sold or otherwise disposed of to the occupier of a metallurgical factory, besides maintaining a register in Form B, as provided in rule 5, shall submit to the Cess Commissioner having jurisdiction over the area in which the metallurgical factory is located, a return in the same form, every month, not later than the last day of the month to which the return relates

(IC) (i) Where the metallurgical factory or the mine of the iron ore or the manganese ore to which a return in Form D relates are located within the jurisdiction of the same Cess Commissioner, he shall on receipt of the return in Form D verify its contents with those of the returns in Form A and B received by him.

(ii) Where the metallurgical factory or the mine of the iron ore or manganese ore to which a return in Form D relates are located within the jurisdiction of different Cess Commissioner, the Cess Commissioner on receipt of the return in Form D shall —

(a) Verify its contents with those of the return in Form B received by him under rule (IB), relating to the sale or disposal of the iron ore or manganese ore; and

(b) send a copy of the return to the Cess Commissioner in whose jurisdiction the iron ore mine or the manganese ore mine to which the return relates is located, for verification.

(ID) The Cess Commissioner on receiving the copy of the return shall verify its contents with those of the returns in Form A received by him and shall return the copy of said return duly verified to the Cess Commissioner from whom he received it.

(IF) Where a Cess Commissioner receives any return which according to these rules relates to the jurisdiction of any other Cess Commissioner, he shall keep a copy of the return on his record and send the return to the Cess Commissioner having jurisdiction."

4. In Form D of the said rules in the headings over columns 3 and 7 for the word "supplier", the words "person(s) by whom sold or otherwise disposed of" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 548, dated November 18, 1982.

DEPARTMENT OF ENVIRONMENT

G.S.R. 712(E).—*New Delhi, the 18th November, 1982.*—In exercise of the powers conferred by section 53 of Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) the Central Government in consultation with the Central Board for the Prevention and Control of Water Pollution hereby makes the following rules, namely :—

CHAPTER-1

PRELIMINARY

1. *Short title and commencement* :—(1) These rules may be called the **Air (Prevention and Control of Pollution) Rules, 1982**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions*.—In these rules unless the context otherwise requires,—

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981;

(b) "Chairman" means the Chairman of the Central Board;

(c) "form" means a form set out in the schedules;

(d) "meeting" means a meeting of the Central Board or a meeting of Committee constituted by the Central Board;

(e) "member Secretary" means the member Secretary of the Central Board;

- (f) "Schedule" means a Schedule appended to these rules.
- (g) "section" means a section of the Act;
- (h) "year" means the financial year commencing on the 1st day of April;
- (i) words and expressions not defined in these rules but defined in the Act shall have the meaning assigned to them in the Act

CHAPTER 2

PROCEDURE FOR TRANSACTION OF BUSINESS OF THE BOARD AND ITS COMMITTEES

3. *Notice of meetings* :—(1) Meeting of the Central Board shall be held on such dates as may be fixed by the Chairman.

(2) The Chairman shall, upon a written request of not less than five members of the Central Board or upon a direction of the Central Government, call a special meeting of the Central Board.

(3) Fifteen clear days' notice of an ordinary meeting and three days' notice of a special meeting specifying the time and the place at which such meeting is to be held and an agenda of the business to be transacted thereat, shall be given by the member secretary or Chairman to the members or any other officers of the Board.

(4) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairman may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten clear days' notice to the member Secretary unless the Chairman, in his discretion, permits him to do so.

(6) If the Chairman or presiding officer adjourns a meeting from day to day or any particular day he shall give reason thereof and no fresh notice shall be required for such an adjourned meeting.

4. *Presiding Officer*.—Every meeting shall be presided over by the Chairman and in his absence by a presiding officer to be elected by the members present from amongst themselves.

5. *All questions to be decided by majority*.—

(1) All questions at a meeting shall be decided by a majority of votes of members present and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the Chairman or presiding officer shall have a second or casting vote.

6. *Quorum*.—(1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the Chairman or presiding officer shall adjourn the meeting and if a quorum is not present after the expiration of fifteen minutes from such adjournment, the presiding officer shall adjourn the meeting to such time on the following or on such other future date as he may fix.

(3) If the meeting is adjourned to some future date due to lack of quorum, fresh notice will be given to the absentee members as to the date and time on which the next meeting will be held.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

7. *Minutes*.—(1) Record of the proceedings of every meeting alongwith the names of members who attended the meeting shall be kept by the member-Secretary in a book maintained by him exclusively for the purpose.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting and shall be confirmed and signed by the Chairman or presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Central Board during office hours.

8. *Maintaining order at meeting*.—The Chairman or presiding officer shall preserve order at a meeting

9. *Business to be transacted at a meeting*.—(1) No business shall be transacted in the meeting without quorum.

(2) Except with the permission of the Chairman or presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of the rule 3 shall be transacted at any meeting.

10. *Order of business*.—(1) At any meeting business shall be transacted in the order in which it is entered in the agenda circulated to the members under sub-rule (3) of rule 3.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Chairman or presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the majority of the members present agree, the Chairman or presiding officer shall agree to such a change.

11. *Procedure for transaction of business of committees constituted by the Board under sub-section (1) of section 11*.—

(1) The time and place of the meeting of a committee constituted by the Central Board under sub-section (1) of section 11 shall be as specified by the Chairman of the committee.

(2) Provisions of Chapter 2 of these rules shall as far as practicable, apply to the meetings of the committees constituted under section 11.

CHAPTER—3

12. A member of a committee other than a member of the Board shall be paid an allowance of rupees fifty if he is a resident of Delhi and rupees seventy-five (inclusive of daily allowance) and also travelling allowance at such rate as is admissible to a grade I officer of the Central Government in the case of nonresident, for each day of the actual meeting of the committee which he attends. Provided that in case of a member of parliament who is also a member of the Central Board, the said daily and travelling allowance will be admissible when the parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

CHAPTER—4

TEMPORARY ASSOCIATION OF PERSONS WITH THE CENTRAL BOARD

12. *Manner and purpose of Association of persons with the Central Board under sub-section (1) of section 12.*

The Central Board may invite any person whose assistance or advice is considered useful in performing any of its functions, to participate in the deliberations of any of its meetings or the meetings of a committee formed by it.

14. *Fees and allowances to be paid to such temporary association of person under sub-section (3) of section 12 :—*(1) If the person associated with the Board under rule 13 happens to be a non official resident in Delhi, he shall be entitled to get an allowance of rupees fifty per day for each day of actual meeting of the Central Board in which he is so associated.

(2) If such person is non-resident of Delhi, he shall be entitled to get an allowance of rupees seventy five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board when he is so associated and also to travelling allowance as such rates as is admissible to a grade I officer of the Central Government

(3) Notwithstanding anything in sub-rules (1) and (2) if such person is a Government servant or an employee in a Government undertaking he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him:

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowances will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Governments source.

CHAPTER—5

BUDGET OF THE CENTRAL BOARD

15. *Form of budget estimates under section 34 :—*

The form in which and time within which the budget may be prepared and forwarded to the Government shall be as provided in forms I, II, III and IV of Schedule I.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year

(3) The budget shall as far as may be, based on the account heads specified in Schedule II.

CHAPTER—6

ANNUAL REPORT OF THE CENTRAL BOARD

16. *Form of Annual report under Section 35:—*The annual report in respect of the years last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in Schedule III and shall be submitted to the Central Government by 15th of May each year.

CHAPTER—7

ACCOUNT OF CENTRAL BOARD

17. *Form of annual statement of accounts of the Central Board under section 36:—*The annual statement of accounts of the Central Board shall be in forms V to IX.

SCHEDULES I to III
FORMS I to IX
(omitted)

Published in the Gazette of India, Extraordinary Part II,
Section 3 (II), dated 17th November, 1982.

MINISTRY OF SHIPPING AND TRANSPORT

No. S O. 800(E). *New Delhi, the 17th November, 1982.*—In exercise of the powers conferred by sub-section (1) of section 109C of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby makes the following scheme for the purpose of the administration of the Solatium Fund and payment of compensation therefrom :—

1 *Short title and commencement*:—(1) This Scheme may be called the **Solatium Fund Scheme, 1982**.

(2) It shall be deemed to have come into force from the first day of October, 1982.

2. *Definitions*.—In these rules, unless the context otherwise requires;—

(a) “Act” means the Motor Vehicles Act, 1939 (4 of 1939);

(b) “Authority” means the Solatium Fund Authority constituted under clause 3 ;

(c) “Claims Enquiry Officer” means Sub-Divisional Officer, Tehsildar, or any other officer in charge of a revenue sub-division or a Taluka in each revenue district of a State ;

(d) “Claims Settlement Commissioner” means the District Magistrate, the Deputy Commissioner, the Collector or any other officer in charge of a revenue district in a State ;

(e) “Clause” means clause of this scheme

(f) “Form” means form annexed to this Scheme ;

(g) “Transport Commissioner” means an officer appointed as the Transport Commissioner and shall include the Director General of Transport, Director of Transport or the Controller of Transport, appointed by the State Government ;

(h) words and expressions used but not defined in this Scheme but defined in the Act or the rules made thereunder shall have the meaning respectively assigned to them in that Act and rules.

3 *Authority of the Solatium Fund* —(1) There shall be an Authority to be called the Solatium Fund Authority consisting of the following members, namely :—

(a) The Joint Secretary (Transport), Ministry of Shipping and Transport	Chairman.
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(b) The Controller of Insurance, Ministry of Finance (Insurance Wing).	Member
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(c) One nominee of the General Insurance Corporation of India, not below the rank of the Assistant General Manager, to be nominated by the Central Government.	Member
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(d) Two Chairmen one each of insurance companies for the time being carrying on general insurance business of India, to be nominated by the Central Government.	Members
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(e) Two Transport Commissioners one each of two Members States, to be nominated by the Central Government.

(f) The Director (Finance Division), Ministry of Shipping and Transport. Member

(g) The Commissioner, Solatium Fund ... Member-Secretary

(2) The Headquarters of the Authority shall be at New Delhi.

(3) The persons appointed as a member by virtue of an office shall cease to be a member when he ceases to hold that office.

(4) The term of office of the members nominated under sub-clause (1)(d) and (e), shall be for a period of one year.

(5) The Commissioner, Solatium Fund, shall be appointed by the Central Government, and shall function as the Member-Secretary of the Authority.

4. *Remuneration of members and officers.*—(1) Members shall not be paid any remuneration except travelling and daily allowance at the rates to be determined by the Authority from time to time.

(2) Official members will draw travelling and daily allowance at the rates admissible to them from the source from which they draw their salaries.

5. *Powers and functions of the Authority.*—The Authority shall perform the following functions :—

(a) assessment from time to time of the requirements of the Solatium Fund and timely submission of requests for funds to the Central Government ;

(b) allotment, from time to time, of amounts to be kept at the disposal of the Transport Commissioners ;

(c) preparation of annual budget ;

(d) investment of monies of the Solatium Fund, not immediately required, in any one or more of the modes of the investment for the time being authorised by the law for the investment of the trust monies as the Authority may think proper ;

(e) all other matters relating to the administration of the Solatium Fund and payment of compensation therefrom.

6. *Delegation of Powers.*—(1) The Authority may delegate all or any of its powers and functions to the Chairman for prompt and expeditious disposal of business.

(2) The Authority may frame, and vary, from time to time as it think fit, bye-laws for the conduct of its business.

7. *Meetings of the Authorities.*—The Authority shall meet at such times and at such places as the Chairman may, from time to time, appoint in this behalf :

Provided that the Authority shall meet at least once in six months.

8. *Quorum* —Not less than three members shall form a quorum:

Provided that if at any meeting there is no quorum, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notice to other members that he proposes to dispose of the business at the adjourned meeting, whether there is a quorum or not, and he may thereupon dispose of the business at such adjourned meeting.

9. *Decision by Majority.*—Every matter shall be determined by a majority of votes of the members present and voting. In case of equality of votes the Chairman shall have a casting vote.

10. *Notice of meetings.*—(1) Notice shall be given to every member of the time and place fixed for each such meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed of at the meeting :

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman

11. *Minutes of the meeting.*—The proceedings of each meeting of the Authority shall be circulated to all members and thereafter recorded in a minute book which shall be kept as permanent record. The record of the proceedings of each meeting shall be signed by the Chairman.

12. *Appointment of Commissioner, Solatium Fund and his duties.*—The Commissioner, Solatium Fund shall exercise all executive powers of the Authority under the general control of the Chairman and the Authority, and shall assist the Chairman in the discharge of his functions. He shall perform the following duties:—

- (a) be the custodian of all records of the Authority ;
- (b) conduct the official correspondence on behalf of the Authority ;
- (c) to issue all notices for convening the meeting of the Authority ;
- (d) to keep minutes of all meetings of the Authority ;
- (f) to exercise all other powers and execute such of the functions as may be assigned to him by the Authority.

13. *Other Officers and employees of the Authority* —The Authority may create any posts and appoint such officers and other employees as it may consider necessary for the discharge of its functions :

Provided that the authority shall not create any post the maximum salary of which exceeds rupees one thousand six hundred per mensem, except with the previous approval of the Central Government.

14. *Conditions of service of the officer and employees of the Authority.*—The officers and employees of the Authority shall be the employees of the Central Government and shall be governed by the relevant rules and orders framed by the Central Government for its employees in all matters.

15. *Deposit of fund.*—All monies received towards the Solatium Fund by the Authority shall be credited to the account of the Authority to be opened in the Syndicate Bank or any of its subsidiaries or any other Nationalised Bank approved in this behalf by the Central Government.

16. *Withdrawal from the Fund.*—(1) No amount shall be withdrawn from the solatium Fund except for the purpose of reimbursing the amount payable as compensation for death or grievous injury to a person as a result of hit and run accident.

(2) Withdrawal of monies from the accounts of the Authority shall be regulated in such manner as may be determined by the Authority from time to time

17. *Allocation of funds to the Claims Settlement Commissioners.*—

- (1) The Authority shall determine the quantum of funds to be allotted

to each State and shall place at the disposal of the Transport Commissioner of the State such amount as may be necessary from time to time.

(2) The Transport Commissioner shall allot to the Claims Settlement Commissioners such amount out of the funds placed at his disposal, as may be required by the Claims Settlement Commissioners from time to time.

18. *Claims Settlement Commissioner.*—Every Claims Settlement Commissioner shall be responsible for the settlement of claims arising out of hit and run motor accidents in his district. It shall be the duty of the Claims Settlement Commissioner,—

(i) to keep the monies placed at his disposal by the Transport Commissioner in a separate account ;

(ii) to call for the reports from the Claims Enquiry Officer on applications for grant of compensation from the Solatium Fund ;

(iii) to pass orders on applications for payment of compensation; and

(iv) to send every month an account of the expenditure made out of the monies, placed at his disposal for payment of compensation, to the Transport Commissioner.

19. *Sanctioning of claims.*—(1) On receipt of the report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim on the basis of the said report. Where the Claims Settlement Commissioner has any doubt in respect of the report submitted by the Claims Enquiry Officer, he shall, return the report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be made.

(2) After receipt of the report from the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim and pass an order to that effect in Form "C". He shall send a copy of the sanction order to each of the following, namely :—

(a) the Claims Enquiry Officer ;

(b) the Transport Commissioner of the State ;

(c) the Chairman, Motor Vehicles Accident Claims Tribunal of the concerned district.

(3) The Claims Settlement Commissioner shall send the sanction order sanctioning the claim to the Claims Enquiry Officer alongwith the amount of compensation by way of cheque or treasury voucher, as the case may be ;

(4) In the case of a claim arising out of death, the payment shall be made to the legal representatives of the deceased. In the case of claims arising out of grievous hurt, the payment shall be made to the persons injured or where such person is not in a position to appear personally, the payment may be made to any agent duly authorised by the person injured.

(5) The Claims Enquiry Officer shall obtain stamped receipt(s) from the person while making payments.

20. *Claims Enquiry Officer*—The Claims Enquiry Officer shall consider the claims arising out of hit and run motor accidents in his sub-division or taluka. It shall be the duty of the Claims Enquiry Officer,—

(i) to receive applications in Form 'A' from the claimant ;
(ii) to hold enquiries in respect of the claims arising out of hit and run motor accidents ;

(li) to call for reports from the police and medical authority in respect of the accidents ;

(iv) where there are more than one claimant, to decide as to who are the rightful claimants ;

(v) to submit report to the Claims Settlements Commissioner alongwith his recommendation for sanction orders in Form 'B' ;

(vi) to disburse the amount of compensation on receipt of the sanction order from the Claims Settlement Commissioner to the claimant or claimants.

21. *Procedure for making the claim application.*—(1) The claimant, claiming compensation from the Solatium Fund shall make an application in Form 'A' within one month from the date of the accident.

(2) The claimant shall not be required to pay any fee for making an application.

(3) The application shall be made to the Claims Enquiry Officer of the Sub-Division/Taluka in which the accident has taken place.

22. *Procedure to be followed by the Claims Enquiry Officer.*—(1) On receipt of the claim application, the Claims Enquiry Officer shall immediately obtain a copy of the First Information Report, inquest report from the police authority and the post-mortem report, or as the case may be, the certificate of injury from the Medical Officer or the doctor, who has attended the injured person.

(2) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under sub-clause (1) clause 19, the Claims Enquiry Officer shall make such additional inquiries as may be necessary and re-submit the report to the Claims Settlement Commissioner within seven days for final orders.

(3) After receipt of the sanction order from Claims Settlement Commissioner, the Claims Enquiry Officer shall obtain an undertaking in Form 'D' from the legal representatives of the deceased, injured person or his duly authorised agent, before making payment of compensation to him.

23. *Submission of periodical return.*—The Claims Settlement Commissioner shall submit every month a statement in Form 'E' to the Transport Commissioner of the State. The Transport Commissioner shall send a consolidated statement of the expenditure made out of the monies placed at his disposal by the Authority every three months to the Authority.

24. *Annual Report*—The Commissioner, Solatium Fund, shall prepare an annual report on the working of the Authority, and place it before the Authority for its approval. The Chairman of the Authority shall cause the annual report to be submitted to the Central Government for its inclusion in the annual report of the Ministry of Shipping and Transport.

FORM 'A'

[Clause 21 (I)]

Form of Application for Compensation from Solatium Fund

I, ... son of/danghter of/window of
 *Shri-residing at.....
 having been grievously injured in motor vehicle accident hereby apply for
 grant of compensation for the grievous injuries sustained. Necessary
 particulars in respect of the injury sustained by me are given below :—

I, ...residing at.....
 hereby apply as a legal representative agent for the grant of compensa-
 tion account of death/injuries sustained by Shri/Shrimati/Kumari.....
 son of/widow of/daughter of Shri.....
who died/had sustained injuries in a motor vehicle
 accident of.....at.....
 Particulars in respect of accident and other information are given
 below :—

1. Name and father's name of person injured (husband's name in
 the case of married woman or widow) :

2. Address of the person injured/dead :

3. Age Date of birth

4. Sex of the person injured/dead :

5. Place, date and time of the accident :

6. Occupation of the person injured/dead :

7. Fracture of injuries sustained :

8. Name and address of Police Station in whose jurisdiction
 accident took place or was registered :

9. Name and address of the Medical Officer/Practitioner who
 attended on the injured/dead :

10. Name and address of the claimant/claimants :

11. Relationship with the deceased :

12. Any other information that may be considered necessary or
 helpful in the disposal of the claim :

I hereby swear and affirm that all the facts noted above are true to
 the best of my knowledge and belief.

Signature of the Claimant.

FORM 'B'

[Clause 20(v)]

Claims enquiry report to be submitted by the Claims Enquiry
 Officer to the Claims Settlement Commissioner.

(omitted)

FORM 'C'

[Clause 19(2)]

Form of order of Sanction of Compensation

(omitted)

FORM 'D'

[Clause 22(3)]

UNDERTAKING

[Under section 109B of Motor Vehicles Act, 1939]

I/we.....as legal representative(s)/authorised agent
 of the deceased/injured.....hereby give undertaking that I/we

shall refund the amount of compensation awarded to me/us under sanction order No.....dated..... by the Claims Settlement Commissioner..... to the Solatium Fund Authority, New Delhi through the Claims Settlement Commissioner.....in case I/we/a/are awarded any other compensation in respect of death or grievous hurt to.....under any other provisions of the Motor Vehicles Act, 1939 or any other law for the time being in force or otherwise.

FORM 'E'
(Clause 23)

Statement showing details of claims relating to Hit and Run motor accidents decided and expenditure made out of monies placed at the disposal of Claims Compensation Commissioner for the month of

(Omitted.)

Published in the Gazette of India, Extraordinary, Part II,
Section 3, Sub-section (i), No. 330, dated November 9, 1982

MINISTRY OF SHIPPING & TRANSPORT

G.S.R. 677(E) *New Delhi, the 9th November, 1982.*—Whereas the draft rules further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946, were published as required by sub-section (1) of section 133 of the said Act, in the Gazette of India, Part II, Section 3, Sub-section (i), dated 15th September, 1982 under notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing, No. GSR 570(E) dated 15th September, 1982 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of forty five days from the date of publication of the said notification in the Official Gazette ;

And whereas the said Gazette was made available to the public on the 15th day of September, 1982 ;

And whereas objections or suggestions received in the matter have been considered,

Now, therefore, in exercise of the powers conferred by section 111 of the Motor Vehicles Act, 1939 (4 of 1939), read with Section 22 of the General Clauses Act, 1897 (X of 1897), the Central Government hereby makes the following amendments to the Motor Vehicles (Third Party Insurance) Rules, 1946.

1. (1) These rules may be called the **Motor Vehicles (Third Party Insurance) (Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2 In rule 15B of the Motor Vehicles (Third Party Insurance) Rules, 1946,—

(a) in sub-rule (1), for the words “one lakh”, the words “five lakhs” shall be substituted ;

(b) in sub-rule (2), for the letters and figures “Rs. 100/-”, the letters figures and figures “Rs. 200/-” shall be substituted ;

(c) in sub-rule (3) and the proviso, for the words, letters and figures “rupees twelve lakhs or Rs. 1500/-”, wherever they occur, the words

“rupees twenty lakhs or rupees two thousand five hundred” shall be substituted.

Published in the Gazette of India, Part II Sec. 4,
dated July 31, 1982

MINISTRY OF DEFENCE

S R. O. 189.—(*New Delhi, the 9th July, 1982*) In exercise of the powers conferred by section 16 of the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950), the Central Government hereby makes the following rules further to amend the Army and Air Force (Disposal of Private Property) Rules, 1953.

1. (1) These rules may be called the **Army and Air Force (Disposal of Private Property) (Amendment) Rules 1982**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 21 of the Army and Air Force (Disposal of Private Property) Rules, 1953, in clause (b), for the words “Director of Personnel”, the words “Director of Personal Services” shall be substituted.

Published in the Gazette of India, (Extra), Part II Sec. 3 (i),
No. 210, dated July 8, 1982

MINISTRY OF AGRICULTURE

G. S. R. 490 (E). *New Delhi, the 8th July, 1982*.—Whereas certain draft rules further to amend the Rice-Milling Industry (Regulation and Licensing) Rules, 1959, were published as required by sub-section (1) of section 22 of the Rice-Milling Industry (Regulation) Act, 1958 (21 of 1958) at page 164 of the Gazette of India, Part II, Section 3, sub-section (i), dated the 16th January, 1982, under the notification of the Government of India, Ministry of Agriculture (Department of Food), No. G. S. R. 37, dated the 13th January, 1982, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of forty-five days from the date on which copies of the Official Gazette in which the notification was published were made available to the public ;

And whereas the said Gazette was made available to the public on the 25th January, 1982 ;

And whereas the objections and suggestions received from the public have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 22 of the said Act, the Central Government hereby makes the following rules further to amend the Rice-Milling Industry (Regulation and Licensing) Rules, 1959, namely :—

1. (1) These rules may be called the **Rice-Milling Industry (Regulation and Licensing) Amendment Rules, 1982**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Rice-Milling Industry (Regulation and Licensing) Rules, 1959, in the Schedule,—

(1) in Form IV, in clause 3, in condition (3D),—

(i) in the first proviso, for the words "six years", the words "eight years and three months" shall be substituted ;

(ii) in the second proviso, for the words and figures "the 30th April, 1981", the words and figures "the 31st July, 1983" shall be substituted ;

(iii) after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that in the case of a licensee holding a valid licence in respect of single huller rice mill licensed prior to the coming into force of the Rice-Milling Industry (Regulation and Licensing) Amendment Rules, 1976, the Licensing Officer may for reasons to be recorded in writing, further extend the said period by another two years beyond the expiry of the period of five years".

(2) In Form V, for the word "fortnight" wherever it occurs, the word "month" shall be substituted.

Published in the Gazette of India, (Extra), Part II Sec. 3 (ii), No. 291, dated July 7, 1982

MINISTRY OF FINANCE

S.O. 482(E). New Delhi, the 7th July, 1982.—In exercise of the powers conferred by sub-section (7) of section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976) the Appellate Tribunal for Forfeited Property hereby makes the following rules further to amend the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977 published with the notification of the Government of India in the Department of Revenue and Banking, S. O. No. 179 (E), dated the 18th February, 1977 at pages 563 and 569 of the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 18th February, 1977, namely :—

1. (i) These rules may be called the **Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Amendment Rules, 1982**.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977, in rule 2, in clause (v), for the words, brackets and figure "under sub section (6)", the words, brackets, figure and letters "under sub-section (6) or (6A)" shall be substituted.

Published in the Gazette of India, Part II Sec. 3(i), dated July 3, 1982.

MINISTRY OF LABOUR

G. S. R. 591.—(New Delhi, the 21st June, 1982) In exercise of the powers conferred by sections 5 read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following scheme further to amend the Employees' Provident Funds Scheme, 1952, namely :—

1. This scheme may be called the **Employees Provident Funds (Fourth Amendment) Scheme, 1982.**

2. In the Employees' Provident Funds Scheme 1952 in paragraph 1, sub-paragraph (3) in clause (b) after item (xcv), the following item shall be added, namely :—

“(xcvi) as respects the educational scientific research and training in institutions specified in the notification of the Government of India in the Ministry of Labour No. S. O. 986 dated the 19th February 1982 published in Part II, Section 3, sub section (ii) of the Gazette of India dated the 6th March, 1982”.

MINISTRY OF AGRICULTURE

Published in the Gazette of India, Extraordinary, Part II, Sec. 3 (i), dated September 13, 1982.

G.S.R. 832 (*New Delhi the 13th September 1982.*—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following order further to amend the Wheat Roller Flour Mills (Licensing and Control) Order, 1957 namely :—

1. (1) This order may be called the **Wheat Roller Flour Mills (Licensing and Control) (Second Amendment) Order, 1982.**

(2) It shall come into force at once.

2. In Wheat Roller Flour Mills (Licensing and Control) Order, 1957:—

(i) In item (c) of sub-clause 2 of clause 4, for the words and figure “fee of Rs. 3” the words and figures, “fee of Rs. 30” shall be substituted:

(ii) for clause 6, the following shall be substituted, namely;—

“*Fee for Licence.*—The fee payable for a licence shall be Rs. 50 and that for renewal of licence Rs. 20”;

(iii) In clause 7, for the words and figures, “fee of Rs. 10” the words and figures “fee of Rs. 100” shall be substituted ;

(iv) In clause 7A, for the sub-clause (2), the following sub-clause shall be substituted;—

“The Security referred to in sub-clause (1) may be in the form of a demand draft drawn on the State Bank of India or any other Schedule Bank, payable at new Delhi and endorsed in favour of the Controller of Accounts, Department of Food, Ministry of Agriculture, Government of India, New Delhi.”

(v) In the Schedule, in Form I, for the words and figures, “a treasury receipt for Rs. 5, Rs. 2” the words and figures, “a demand draft or a treasury receipt for Rs. 50, Rs 20” shall be substituted.

(vi) in the Schedule, in Form II (a) for condition II, the following condition shall be substituted, namely:—

“II. The Licensee shall render all necessary facilities to the licensing authority or the specified authority, or the inspector or such persons as may be authorised by either of the licensing authority or the specified authority,—

(i) for the inspection of the roller flour mill, godown, or any other place used or believed to be used by the licensee for the storage or sale of any wheat or wheat products, and

(ii) for the taking of samples of such wheat or wheat products for examination”—

(b) for conditions III, the following condition shall be substituted namely :—

“III. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions as may from time to time be given by the licensing authority or by the specified authority or by any officer authorised by licensing authority or by specified authority in this behalf or the Inspector, relating to such business.”

(c) for condition V, the following condition shall be substituted, namely;—

“V. The licensee shall abide by any directions issued by the licensing authority or the specified authority, as the case may be, in regard to the purchase of wheat, extraction of maida, sooji or rawa and also in regard to the distribution or disposal of what products”;

(d) for condition VI-B, the following condition shall be substituted, namely :

“VI-B. The Licensee shall, where so directed by the licensing authority or the specified authority, as the case may be, instal separate power meter for the electric motor fixed in the mill”.

(vii) in the Schedule, for Form III, the following Form shall be substituted, namely :

“FORM III”

Monthly Returns to be submitted by the mills (see clause 9) for the month ending.....
Name and Address of the Mill.....

(Figures in metric tonnes)
Indigenous Imported Total

- | | | | |
|---|-----|---|---|
| (i) Opening Balance | ... | — | — |
| (ii) *Quantity of Wheat allotted during the month. | ... | — | — |
| (iii) *Quantity actually lifted by the mill during the month. | ... | — | — |
| (iv) *Quantity purchased, if any. | ... | — | — |
| Total of items (i), (iii) and (iv). | ... | — | — |
| (v) Milled during the month | ... | — | — |
| (vi) Closing Balance | ... | — | — |
| (vii) Quantity hypothecated with the Bank(s). Here state name of the Bank(s)... | ... | — | — |
| (viii) Quantity purchased but not yet received in roller flour mill. | ... | — | — |
| (a) Lying with the purchasing agents. Here state the station where lying. | ... | — | — |
| (b) Hypothecated with the Bank(s). Here state the name of the Bank(s)..... | ... | — | — |

*Here indicate source from where supplies received.

2. Wheat Products.

Opening Balance	Extra- ction percentage	Produ- ction	Total	Sales	Closing balance	Quantity hypothe- cated with the banks
Maida						
Suji						
Resultant						
Atta.						
Wholemeal						
Atta.						
Bram						
Total	...					

3. Wheat milled by Roller Flour Mill on account of PDS/MBI/APO/other customers, if any.

Opening Balance	Quantity allotted by State/ U.T.	Quantity actually lifted	Quantity milled/ grinded	Quantity wholemeal atta pro- duced	Quantity lifted by allottees/ State Govt / U.T. for PDS distribution (on despatch with names)
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1. PDS.
2. M.B.I.
3. A.P.O.
4. Custom
milling.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 355, dated November 25, 1982.

MINISTRY OF AGRICULTURE

G.S.R. 720(E) *New Delhi, the 25th November, 1982.*—In exercise of the powers conferred by section 5 and section 6 of the Sugar Cess Act, (3 of 1982), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the **Sugar Cess Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) 'Accounts Officer' means the Chief Controller of Accounts, Central Board of Excise and Customs, New Delhi or the Pay and Accounts Officers functioning under him and attached to the Collectorates of Central Excise, as the case may be ;

(b) 'Act' means the Sugar Cess Act, 1982 (3 of 1982);

(c) 'Central Government' means the Department of Food, Government of India, New Delhi ;

(d) 'Financial year' means the year commencing from the 1st April and ending on the 31st March next;

(e) 'Form' means a Form annexed to these rules ;

(f) 'Sugar year' means the year commencing on 1st October and ending on 30th September next;

(g) The words and expressions used and not defined, but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. *Manner of accounts.*—The proceeds of the Cess shall be credited to the Consolidated Fund of India under the Minor Head "Cess on Sugar" subordinate to sub-major Head "D-Cess on Commodities" under Major Head "38" Union Excise Duties.

4. *Reports and returns, etc.*—(1) Every occupier of a sugar factory shall furnish to the Central Government information,—

(a) in Form I every month commencing from the month of June, 1982 by the Seventh day of the month following the month to which the information pertains. Returns for the month of June, 1982 and onwards till the end of the month during which these rules are published shall be furnished by the seventh of the month following the date of publication;

(b) in Form II for the sugar year 1981-82, by the seventh of the month following the month in which the entire released sugar, conforming to Indian Sugar Standard grades, produced in that sugar year and earlier, stand despatched/delivered; and

(c) In Form III for each sugar year subsequent to 1981-82 ; by the seventh of the month following the month in which the entire released sugar, conforming to Indian Sugar Standard grades, produced during that sugar year stands despatches/delivered

(2) Every occupier shall furnish such statistical and other information to the Central Government as may be required by such Government from time to time for the purpose of the Act.

5. *Maintenance of Accounts.*—The Accounts Officer shall maintain separately the accounts of the cess in the manner these are maintained for the duty of excise levied on sugar.

6. *Rendering of Accounts.*—The Accounts Officer shall furnish to the Central Government by the twenty fifth of the following month information on Form IV as obtained at the end of the preceding month

FORM I

(Rule 4 (1) (a))

Details of sugar despatched/delivered and amount of cess deposited in Central Government account.

(Separate return to be furnished for each sugar year)

Return for the Month of.....19 .

1. Name of the sugar factory.....
2. Sugar year.....
3. Quantity of sugar despatched/delivered during the month (in quintals).....
4. Amount of cess deposited in Government account at the rate of Rs.....per quintal on the quantity despatched/delivered during the month (in Rupees).....
5. Progressive total of the quantity of sugar of the year mentioned against item 2 despatched/delivered (in quintals).....
6. Progressive total of the amount of cess on the sugar of the year mentioned against item 2 deposited in Government account (in Rupees).....

Date :

Signature

Name :

Designation :

(Occupier)

Verification by the Central Excise Authority Concerned

It is certified that the information furnished against items No. 3 and 4 above has been verified and found to be correct.

Date :

Signature

Name

Designation

FORM II

(Rule 4(1) (b))

Return for the Sugar year 1981-82 and earlier

1. Name of the sugar factory.....
2. Quantity (separately for each sugar year) of sugar remaining undespached/undelivered as at the close of the 31st May, 1982 (in quintals)
3. Quantity of sugar produced from 1st June, 1982 to 30th September 1982
4. Total of items 2 and 3
5. Quantity of sugar released (in quintals)
6. Quantity (out of that mentioned at item 5) of sugar despatched/delivered (in quintals)
7. Reason(s) for difference between 5 and 6 (like damaged sugar, sugar in process etc.)
8. Amount of cess deposited into the Government account at the rate of Rs. per quintal of sugar (in Rupees)

Date :

Signature :

Name :

Designation :

(Occupier)

NOTE : After despatching the sound sugar, (viz. conforming to I. S. S. grade) information in form II will be required to be sent irrespective of the fact whether some damaged or Below-I. S. S. grade sugar may still be in stock.

FORM III
(Rule 4(1) (c))

Return for the Sugar Year.

1. Name of the sugar factory
2. Quantity of sugar produced (in quintals)
3. Quantity of sugar released (in quintals)
4. Quantity of sugar despatched/delivered (in quintals)
5. Reasons for difference between 3 and 4 (like damaged sugar, sugar in process etc.)
6. Amount of cess deposited into the Government account at the rate of Rs. per quintal of sugar (in Rupees)

Date :

Signature :

Name :

Designation :

(Occupier)

(NOTE : After despatching the sound sugar, (viz conforming to I S.S grade), information in Form III will be required to be sent irrespective of the fact whether some damaged or Below-I.S.S. grade sugar may still be in stock)

FORM IV
(Rule 6)

Proforma account of Cess on Sugar for and upto the month of.....19.....

Opening balance from previous month	Cess collected and accounted for during the month	Total (Cols. 1 + 2)	Refund/Exemption, if any, of Cess made to assesses during the month	Closing balance (Col. 3-4)
1	2	3	4	5
Rs.	Rs.	Rs.	Rs.	Rs.

Published in the Gazette of India, Extraordinary, Part II, Section 3
Sub-section (i), No. 389, dated December 22, 1982.

DEPARTMENT OF ENVIRONMENT

G S.R. 770(E) *New Delhi, the 6th December, 1982.*—In exercise of the powers conferred by clause (b) of sub-section (1) of section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules to amend the Wild Life (Transactions and Taxidermy) Rules, 1973, published with the notification of the Government of India in the Ministry of Agriculture (Department of Agriculture), No. G.S.R. 334(E), dated the 1st July, 1973, namely:—

1. (1) These rules may be called the **Wild Life (Transactions and Taxidermy) Amendment Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-rule (1) of Rule 4 of the Wild Life (Transaction and Taxidermy) Rules, 1973, for the words "even days", the words "thirty-days", shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Sec. 3 (ii), dated February 17, 1983

MINISTRY OF ENERGY

G.S.R. 89 (E). (*New Delhi, the 17th February, 1983.*)—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Petroleum Products (Supply and Distribution) Order, 1972, namely :—

1. (1) This Order may be called the **Petroleum Products (Supply and Distribution) Amendment Order, 1983.**

(2) It shall come into force on the date of its publication in the Official Gazette

2. In the Petroleum Products (Supply and Distribution) Order, 1972, in sub-paragraph (2) of paragraph 3, after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that during the period of operation of clause 3-A of Kerosene (Fixation of Ceiling Prices) Order, 1970, kerosene shall be distributed and sold at the prices derived and declared in accordance with the provisions of the said Order.

MINISTRY OF ENERGY

G. S. R. 88(E). In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Kerosene (Fixation of Ceiling Prices) Order, 1970, namely :—

1. (1) This order may be called the **Kerosene (Fixation of Ceiling Prices) Amendment Order, 1983.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Kerosene (Fixation of Ceiling Prices) Order, 1970 (hereinafter referred to as the said Order), after clause 3, the following clause shall be inserted, namely :—

"3A. *Special provisions for the fixation of subsidised and non-subsidised prices of kerosene.*—Until a revised scheme for the sale and distribution of kerosene is made by a State Government and approved by the Central Government, sale and distribution of kerosene shall be made in accordance with the following scheme, namely :—

No dealer having stock of kerosene shall sell such kerosene—

(a) to a bulk consumer, at a price other than the non-subsidised price ;

(b) to any other consumer whose entitlement to purchase kerosene for domestic use is based on any document authorising the supply of essential commodities for meeting the ordinary daily requirements of the holder thereof issued by a State Government in pursuance of its scheme of distribution of essential commodities, whether called as ration card or by any other name :—

(i) seventy per cent of such entitlement, at a price higher than the subsidised price ; and

(ii) the balance of such entitlement, at a price higher than the non-subsidised price :

Provided that where such ration card or any other document does not specify any entitlement with regard to kerosene, the entitlement for kerosene shall be determined on the basis of units specified in the ration card or other document for cereals or sugar, as the case may be, in accordance with such orders as the State Government may, by notification in the Official Gazette, make in this behalf.

Explanation I.—In this clause, unless the context otherwise requires,—

(i) “Kerosene” does not include aviation turbine fuel ;

(ii) “bulk consumer” means a consumer who makes purchase of kerosene on the strength of any permit, licence or other document, not being a ration card or other document referred to in sub clause (b) issued by a State Government in pursuance of its scheme of distribution of essential commodities, authorising such purchase by him;

(iii) “domestic use” means use for the purpose of cooking or illumination, but does not include any use for such purposes by a hotel, canteen, restaurant and the like;

(iv) “non-subsidised price” in relation to a main port or refinery means the price derived and declared in accordance with the provisions of clause 3, on the basis of the price indicated against it in column 4 of the Schedule appended to this order;

(v) “subsidised price” in relation to a main port or refinery, means the price derived and declared in accordance with the provisions of clause 3 on the basis of the price indicated against it in column 3 of the Schedule appended to this order.

Explanation II.—If, in a State, there is no scheme for the distribution of essential commodities on the basis of ration card or other document referred to in sub-clause (b), the entitlement of the consumer with regard to kerosene for domestic use shall be determined until any other scheme is made in his behalf by the State Government, in accordance with such scheme of distribution of essential commodities as is in force in that State.”

3. In the said Order, after clause 4, the following clause shall be inserted, namely :—

“4-A. *Stock of kerosene to be sold at subsidised and non subsidised prices to be displayed.*—During the period of operation of clause 3A, every dealer shall cause to be separately and prominently displayed on special board to be maintained for this purpose at or near the entrance of the place of sale.

(a) the stock of kerosene held by him from time for delivery at the subsidised and non-subsidised prices ;

(b) the declared prices of such kerosene ; and

(c) the prices at which he proposes to sell such kerosene ”.

4. In the said Order, for the Schedule appended thereto, the following Schedule shall be substituted, namely :—

THE SCHEDULE

[See clauses 2 (d) and 3]

1. Basic ceiling selling prices of kerosene in bulk per kilolitre ex-main Port/Refinery :

Sl. No.	Main Port/Refinery	Kerosene		Aviation Turbine Fuel
		Subsidised price	Non subsidised price	
		Rs.	Rs.	Rs.
(1)	Bombay/Koyali/Mathura	1544.93	2844 93	4121.85
(2)	Cochin	1547.45	2847.45	—
(3)	Madras	1555 35	2855.35	4141.21
(4)	Visakha-Patanam	1552.73	2852.73	4134 64
(5)	Haldia/Dlgboi/Gauhati/Barauni/Bongaigaon	1559.51	2859.51	4140 04
(6)	Calcutta	1580.32	2880 32	4140.04
(7)	Kandla	1579.31	2879.31	4119.45
(8)	Okha	1591.73	2891.73	4124.48
(9)	Goa	1475.49	2875.49	4121.71

II. Flat transportation charges kerosene superior Rs. 50 per kilolitre

III. Price of 18.5 litre tin Rs. 4.75 per tin."

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i) No. 5, dated January 29, 1983.

SUPREME COURT OF INDIA

G.S.R. 87. *New Delhi, the 15th January 1983.*—In exercise of the powers conferred by Article 145 of the Constitution and all other powers enabling in this behalf, the Supreme Court hereby makes with the approval of the President, the following rules further to amend the Supreme Court Rules, 1966, namely:—

1. (1) These rules may be called the **Supreme Court (1st Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966, in Order IV, after rule 8, the following rule shall be inserted as rule 8A, namely:—

"8A. When on the complaint of any person or otherwise, the Court is of the opinion that an advocate on record has been guilty of misconduct or of conduct unbecoming of an advocate on record, the Court may make an order removing his name from the register of advocates on record either permanently or for such period as the Court may think fit and the Registrar shall thereupon report the said fact to the Bar Council of India and to the State Bar Council concerned;

Provided that the Court shall, before making such order, issue to such advocate on record a summons returnable before the Court or before a Special Bench to be constituted by the Chief Justice, requiring the advo-

cate on record to show cause against the matters alleged in the summons and the summons shall, if practicable, be served personally upon him with copies of any affidavit or statement before the Court at the time of the issue of the summons "

By Order of the Court.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 402, dated September 10, 1982.

MINISTRY OF FINANCE

S. O. 658 (E)—New Delhi, the 10th September, 1982.—In exercise of the powers conferred by section 114 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules, namely :—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Gold (Control) Appeals Rules, 1982.

(2) They shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) "Act" means the Gold (Control) Act, 1968 (45 of 1968);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

CHAPTER II APPEALS TO COLLECTOR (APPEALS)

3. *Form of appeal to Collector (Appeals).*—(1) An appeal under sub-section (1) of section 80 to the Collector (Appeals) shall be made in Form No. G. S. 1.

(2) The grounds of appeal and the form of verification as contained in Form No. G. A. 1 shall be signed:—

(a) in the case of an individual, by the individual himself or where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is minor or is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) in the case of a Hindu undivided family, by the Karta and where the Karta is absent from India or is mentally, incapacitated from attending to his affairs, by any other adult member of such family;

(c) in the case of a company or local authority by the principal officer thereof;

(d) in the case of a firm, by any partner thereof not being a minor;

(e) in the case of any other association, by any member of the association or the principal officer thereof; and

(f) in the case of any other person, by that person or some person competent to act on his behalf.

(3) The form of appeal in Form No. G. A. 1 shall be filed in duplicate and shall be accompanied by a copy of the decision or order appealed against.

4. *Form of application to the Collector (Appeals).*—(1) An application under sub-section (4) of section 82 to the Collector (Appeals) shall be made in Form No. G. A. 2.

(3) The form of application in Form No. G. A. 2 shall be filed in duplicate and shall be accompanied by two copies of the decision or order passed by the adjudicating authority (one of which at least shall be a certified copy) and a copy of the order passed by the Collector of Central Excise or of Customs directing such authority to apply to the Collector (Appeals).

5. *Production of additional evidence before Collector (Appeals).*—

(1) The appellant shall not be entitled to produce before the Collector (Appeals) any evidence, whether oral or documentary, other than the evidence produced by him during the course of proceedings before the adjudicating authority, except in the following circumstances, namely :—

(a) where the adjudicating authority has refused to admit evidence which ought to have been admitted;

(b) where the appellant was prevented by sufficient cause from producing the evidence which he was called upon to produce, by that authority; or

(c) where the appellant was prevented by sufficient cause from producing before the authority any evidence which is relevant to any ground of appeal; or

(d) where the adjudicating authority has made the order, without giving sufficient opportunity to the appellant to adduce evidence relevant to any ground of appeal.

(2) No evidence shall be admitted under sub-rule (1) unless the Collector (Appeals) records in writing the reasons for its admission.

(3) The Collector (Appeals) shall not take any evidence produced under sub-rule (1) unless the adjudicating authority or an officer authorised in this behalf by the said authority has been allowed a reasonable opportunity—

(a) to examine the evidence or documents or to cross-examine the witness produced by the appellant, or

(b) to produce any evidence or any witness in rebuttal of the evidence produced by the appellant under sub-rule (1).

(4) Nothing contained in this rule shall affect the powers of the Collector (Appeals) to direct the production of any document, or the examination of witness, to enable him to dispose of of the appeal.

CHAPTER III

APPEALS TO APPELLATE TRIBUNAL

6. *Form of appeals etc., to the Appellate Tribunal.*—(1) An Appeal under sub-section (1), (2) or (3) of section 81 to the Appellate Tribunal shall be made in Form No. G.A. 3.

(2) A memorandum of cross objections to the Appellate Tribunal under sub-section (5) of section 81 shall be in form No. G A. 4.

(3) Where an appeal under sub-section (1) section 81 or a memorandum of cross-objections under sub-section (5) of section 81 is made by any person other than the Collector of Central Excise or of Customs, the grounds of appeal, the grounds of cross objections and the forms of verifications as contained in Form Nos. G.A. 3 and G S. 4 respectively shall be signed by the person specified in sub-rule (2) of rule 3.

(4) The form of appeal in form No. G A. 3 and the form of memorandum of cross-objections in Form No. G.A. 4 shall be filed in triplicate and shall be accompanied by an equal number of copies of the orders appealed against (one of which at least shall be a certified copy).

7. *Form of application to the Appellate Tribunal*—(1) An application under sub-section (4) of Section 82 to the Appellate Tribunal shall be made in form No. G. S. 5.

(2) The form of application in Form No. G. A. 5 shall be filed in triplicate and shall be accompanied by an equal number of copies of the decision or order passed by the Collector of Central Excise or of Customs (one at least of which shall be a certified copy) and a copy of the order passed by the Administrator directing such Collector to apply to the Appellate Tribunal.

8. *Form of Application to the Appellate Tribunal for reference to High Court*—(1) An application under sub-section (1) of section 82B requiring the Appellate Tribunal to refer to the High Court any question of law shall be made in Form No. G.A. 6 and such application shall be filed in triplicate.

(2) A memorandum of cross-objections under sub-section (2) of section 82B to the Appellate Tribunal shall be made in Form No. G.A. 7 and such memorandum shall be filed in triplicate.

(3) Where an application under sub-section (1) of section 82B or a memorandum of cross-objections under sub-section (2) of that section is made by any person other than the Collector of Central Excise or of Customs, the application, the memorandum of cross-objection, and the forms of verification as contained in Forms Nos. 6 and G.A. 7 respectively shall be signed by the person specified in sub-rule (2) of rule 3.

CHAPTER IV

Authorised Representatives

9. *Qualifications for authorised representatives*.—For the purposes of Section 101A, an authorised representative shall include a person who has acquired any of the following qualifications being the qualifications specified under clause (c) of sub-section (2) of the said Section 101A namely:—

(a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), or

(b) a Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959 (23 of 1959), or

(c) a Company Secretary within the meaning of the Company Secretaries Act, 1980 (56 of 1980), who has obtained a certificate of practice under section 6 of that Act; or

(d) a post-graduate or an Honours degree holder in Commerce or a post-graduate degree or diploma holder in Business Administration, from any recognised University; or

(e) a person formerly employed in the Departments of Customs or Central Excise or Narcotics, and must have retired or resigned from such employment after having rendered service in any capacity in one or more of the said Departments for not less than ten years in the aggregate.

Explanation.—In this rule, “recognised University” means any of the universities specified below, namely:—

(i) Indian Universities.—Any Indian University incorporated under any law for the time being in force;

(i) Rangoon University;

(iii) English and Welsh Universities.—The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales;

(iv) Scottish Universities.—The Universities of Aberdeen Edinburgh, Glasgow and St. Andrews;

(v) Irish Universities.—The Universities of Dublin, (Trinity College), the Queen's University Belfast and the National University of Dublin;

(vi) Pakistan Universities.—Any Pakistan University incorporated by any law for the time being in force;

(vii) Bangladesh University incorporated by any law for the time being in force.

10. *Authority specified under section 101A (5) (b)*—The Collector of Customs, or of Central Excise having jurisdiction in the proceedings in which a person who is not a legal practitioner is found guilty of misconduct in connection with that proceeding under the Act shall be the authority for the purposes of clause (b) of sub-section (5) of section 101A.

CHAPTER V

Miscellaneous

11 *Language of the Appellate Tribunal.*—(1) The language of the Appellate Tribunal shall be English.

(2) Notwithstanding anything contained in sub-rule (1) the parties to a proceedings before the Appellate Tribunal may file documents drawn up in Hindi if they so desire.

12 *Procedure for filing appeals etc.*—(1) An appeal in Form No. G.A. 3 or a memorandum of cross-objections in Form No. G.A. 4 or Form No. G.A. 7, or an application in Form No. G.A. 5 or Form No. G.A. 6 shall be presented in person to the Registrar or an officer authorised in this behalf by the Registrar, or sent by registered post addressed to the Registrar or such officer.

(2) An appeal or a memorandum of cross-objections or an application sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar or to the officer authorised by the Registrar on the date on which it is received in the office of the Registrar, or as the case may be, in the office of such officer.

13 *Date of presentation of appeals etc*—The Registrar or, as the case may be, the officer authorised by him under rule 12 shall endorse on every appeal or memorandum of cross-objections or application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

14 *Who may be joined as respondents.*—(1) In an appeal by a person other than Administrator or Collector of Customs, or of Central Excise, the Collector concerned shall be made the respondent to the appeal.

(2) In an appeal or an application by the Administrator or Collector of Customs, or of Central Excise the other party shall be made the respondent to the appeal or application, as the case may be.

15. *Document authorising authorised representatives to be attached to the appeal etc*—In any appeal, or a memorandum of cross-objections or application, filed by any person other than a departmental authority, where it is signed by his authorised representative the document authorising the representative to sign and appear for him shall be appended to such appeal or memorandum of cross-objections or application.

16. *Endorsing copies to the other party.*—The appellate Tribunal shall send a copy of the appeal or memorandum of cross-objections or application to the other party as soon as it is filed.

17. *Procedure for filing and disposal of stay petition.*—(1) (a) Every application preferred under the provisions of the Act for stay of the requirement of making deposit of any duty demanded or penalty levied shall be presented in triplicate by the appellant in person or by his duly authorised agent, or sent by registered post to the Registrar or any other officer authorised to receive appeals

(b) One copy each of such application shall be served on the authorised representative of the Collector or the Administrator simultaneously by the applicant.

(2) Every application for stay shall be neatly typed on one side of the paper and shall be in English and the provisions of sub-rule (2) of rule 11 shall apply to such application.

(3) An application for stay shall set forth concisely the following:—

(a) the facts regarding the demand of duty or penalty, the deposit whereof is sought to be stayed.

(b) the exact amount of duty or penalty and amount undisputed therefrom and the amount outstanding.

(c) the date of filing of the appeal before the Tribunal and its number, if known ;

(d) whether the application for stay was made before any authority under the Act or any civil court and, if so, the result thereof (copies of the correspondence, if any, with such authorities to be attached) ;

(e) reasons in brief for seeking stay ;

(f) whether the applicant is prepared to offer security and, if so, in what form ;

(g) prayers to be mentioned clearly and concisely (state the exact amount sought to be stayed) ;

(4) The contents of the application shall be supported by an affidavit sworn to by appellant or his duly authorised agent.

(5) Every application for stay shall be accompanied by three copies of the relevant orders of the authorities of the department concerned, including the appellate orders, if any, against which the appeal is filed to the Appellate Tribunal by the appellant and other documents, if any :

Provided, however, that the Appellate Tribunal may in its discretion and at the request of the applicant, dispense with the requirements of filing of the copies of such orders.

(6) Any application which does not conform to the above requirements is liable to be summarily rejected.

FORM NO G.A. 1

(See rule 3)

FORM OF APPEAL TO THE COLLECTOR (APPEALS) UNDER SECTION 80 OF THE GOLD (CONTROL) ACT, 1968

.....

Appellant

Vs.

Respondent

1. No. _____ of 19 _____

2. Name and address of the appellant.

3. Designation and address of the officer passing the decision or order appealed against and the date of the decision or order.

4. Date of communication of the decision or order appealed against to the appellant.

5. Address to which notices may be sent to the appellant.

6. Whether penalty is deposited; if not whether any application for dispensing with such deposit has been made

(A copy of the challan under which the deposit is made shall be furnished).

7. Reliefs claimed in appeal.

Statement of facts

Grounds of appeal.

Signature of the
Authorised

Representative, if any.

Signature of the appellant

VERIFICATION

I, _____ the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, the _____ day of _____ 19 _____

Place _____

Date _____

Signature of the Appellant

Signature of the

authorised representative, if any.

Notes;—(1) The grounds of appeal and the form of verification shall be signed by the person in accordance with the provisions of rule 3 of the Gold (Control) Appeals Rules, 1982.

(2) The form of appeal, including the statement of facts and the grounds of appeal shall be filed in duplicate and shall be accompanied by a copy of the decision or order appealed against.

FORM NO. G. A. 2

(See rule 4)

**(FORM OF APPLICATION TO THE COLLECTOR (APPEALS)
UNDER SECTION 82 OF THE GOLD (CONTROL) ACT, 1968.**

No. _____ of _____ 19 _____

----- Applicant

Vs.

----- Respondent

1. Designation and address of the applicant. (if the applicant is not the adjudicating authority, a copy of the authorisation from the Collector of Central Excise or of Customs to make the application should be enclosed.

2. Name and address of the respondent,

3. Designation and address of the officer passing the decision or order in respect of which this application is being made and the date of the decision or order.

4. Date on which the order under sub-section (2) of section 82 of the Gold (Control) Act, 1968 has been passed by the Collector of Central Excise or Customs.

5. Date of Communication of the order referred to in (4) above to the adjudicating authority.

6. Reliefs claimed in the application.

Statement of facts

Grounds of application

Signature of the applicant.

Note :—The form of application, including the statement of facts and the grounds of application shall be filed in duplicate and shall be accompanied by two copies of the decision or order passed by the adjudicating authority (one of which at least shall be a certified copy) and a copy of the order of the Collector of Central Excise or of Customs under sub-section (2) of section 82 of the Act.

FORM NO. G. A. 3

(See rule 6 (1))

FORM OF APPEAL TO APPELLATE TRIBUNAL UNDER SUB-SECTION (1), (2) OR (3) OF SECTION 81 OF THE GOLD (CONTROL) ACT, 1968.

**IN THE CUSTOMS, CENTRAL EXCISE AND GOLD (CONTROL)
APPELLATE TRIBUNAL**

Appeal No. _____ of _____ 19 _____

Applicant

Vs.

Respondent

1. The designation and address of the authority passing the order appealed against.

2. The number and date of the order appealed against.

3. Date of communication of the order appealed against.

4. State/Union Territory and the Collectorate in which the order/decision of penalty/fine was made.

5. Designation and address of the adjudicating authority in cases where the order appealed against is an order of the Collector (Appeals).

6. Address to which the notices may be sent to the Appellant.

7. Address to which notices may be sent to the respondent.

Whether penalty is deposited. If not whether any application for dispensing with such deposit has been made. (A Copy of the challan under which the deposit is made shall be furnished).

9. Reliefs claimed in appeal.

10. Statement of facts.

11. Grounds of appeal.

(i)

(ii)

(iii)

(iv) etc.

Signature of the authorised representative, if any.

Signature of the appellant.

VERIFICATION

I, _____, the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified today the _____ day of _____ 19 _____

Place : _____

Date : _____

Signature of the authorised representative, if any...

Signature of the Appellant.

NOTES

1. The grounds of appeal and the form of verification shall, if the appeal is made by any person, other than the Collector of Customs or Central Excise be signed by the appellant in accordance with the provisions of rule 3 of the Gold Control (Appeals) Rules, 1982.

2. The form of appeal shall be in triplicate and shall be accompanied by an equal number of copies of the order appealed against (one of which at least shall be a certified copy).

3. The form of appeal including the statement of facts and grounds of appeal should be in English (or Hindi) and should set forth, concisely and under distinct heads, the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.

4. The fee of Rs. 200 required to be paid under the provisions of the Act shall be paid through a crossed bank draft drawn in favour of the Assistant Registrar of the Bench of the Tribunal on a branch of any nationalised bank located at the place where the bench is situated and the demand draft shall be attached to the form of appeal

FORM NO. G. A. 4

(See rule 6(2))

FORM OF MEMORANDUM OF CROSS-OBJECTIONS TO
THE APPELLATE TRIBUNAL UNDER SUB SECTION
(5) OF SECTION 81 OF THE GOLD (CONTROL)
ACT, 1968

In the Customs, Excise and Gold (Control) Appellate Tribunal.

Cross-objection No _____ of 19_____
 In appeal/application No. _____ of 19_____
 _____ Appellant/Applicant
 Vs.
 _____ Respondent

1. State/Union Territory and the Collectorate in which the order/decision of penalty/fine was made.

2. Date of receipt of notice of appeal or application filed with the Appellate Tribunal by the appellant or as the Appellate Tribunal by the appellant or as the case may be the Collector of Customs or of Central Excise.

3. Address to which notices may be sent to the respondent.

4. Address to which notices may be sent to the appellant/applicant.

5. Reliefs claimed in the memorandum of cross-objections.

GROUND OF CROSS-OBJECTIONS

(1)
(2)
(3)
(4)

Vs.

Respondent

Signature of the authorised representatives, if any.

Signature of the Respondent.

VERIFICATION

I,.....the respondent, do hereby declare that what is stated above is true to the best of my information and belief.

Verified, today the.....day of.....19.....

Signature of the authorised representative, if any.

Signature of the Respondent

NOTES

1. The Grounds of cross-objections and form of verification shall if the memorandum is filed by any person, other than the Collector of Customs or Central Excise be signed by the respondent in accordance with the provisions of rule 3 of the Gold Control (Appeals) Rules, 1982.

2. The form of memorandum of cross-objections shall be filed in triplicate.

3. The form of memorandum of cross-objections should be in English (or in Hindi) and should set forth, concisely and under distinct heads the grounds of cross objections without any argument or narrative and such grounds should be numbered consecutively.

4. The number and year of appeal/application as allotted by the office of the Appellate Tribunal and appearing in the notice of appeal/application received by the respondent is to be filed in by the respondent.

FORM NO. G. A. 5

(See rule 7)

FORM OF APPLICATION TO APPELLATE TRIBUNAL
 UNDER SECTION 82 OF THE GOLD (CONTROL) ACT 1968.
 In the Customs, Excise and Gold (Control) Appellate Tribunal.

Appeal No. _____ of _____
 _____ Applicant

Vs.

_____ Respondent.

1. Designation and address of the applicant (if the applicant is not the adjudicating authority a copy of the authorisation from the Collector of Central Excise or of Customs to make the application should be enclosed).

2. Name and address of the respondent.

3. Designation and address of the officer passing the decision or order in respect of which the application is being made and the date of decision or order.

4. State/Union Territory and the Collectorate in which the decision/order was made.

5. Date on which order under sub-section (1) of section 82 of the Gold (Control) Act, 1968 has been passed by the Administrator.

6. Date of communication of the order referred to in (3) above to the adjudicating authority.

7. Reliefs claimed in the application.

Statement of facts.

Grounds of application

Signature of the applicant

Note :—The form of application including the statement of facts and the grounds of application shall be filed in triplicate and shall be accompanied by an equal number of copies of the decision or order passed by the adjudicating authority (one of which at least shall be a certified copy) and the order passed by the Administrator under sub-section (1) of section 82 of the Gold (Control) Act, 1968.

FORM NO. G.S. 6

(See rule 8 (1))

FORM OF APPLICATION UNDER SECTION 82 B OF THE GOLD (CONTROL) ACT, 1968. IN THE CUSTOMS EXCISE AND GOLD (CONTROL) APPELLATE TRIBUNAL.

In the matter of appeal of _____ Name of the appellant)
 Reference application No. _____ of 19 _____
 (to be filled in by the office).

_____ Applicant.

Vs.

_____ Respondent.

1. State or Union Territory and the collectorate from which the application is filed.

2. Number of the appeal which gives rise to the reference.

3. Address to which notices may be sent to the applicant.

4. Address to which notices may be sent to the respondent.

5. The appeal noted above was decided by the _____ Bench of the Appellate Tribunal on _____.

6. The notice of the order under section 81 A of the Gold (Control) Act, 1968 was served on the applicant on _____.

7. The facts which are admitted and/or found by the Appellate Tribunal and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.

8. The following questions of law arise out of the order of the Appellate Tribunal

(1)

(2)

(3)

etc.

9. The applicant therefore, requires under sub-section (1) of section 83B of the Gold (Control) Act, 1968 that a statement of the case be drawn up and the questions of law referred in paragraph (8) above be referred to the High Court.

10. The documents or copies thereof as specified below (the translation in English of the documents, where necessary is annexed) be forwarded to the High Court with the Statement of the case.

Signature of the authorised
representative, if any.

Signature of the applicant

VERIFICATION

I, _____ the applicant do hereby declare that what is stated above is true to the best of my information and belief.

Verified today, the _____ day of _____ 19__

Signature of the authorised
representative, if any.

Signature of the applicant.

NOTES

1. The form of application and verification shall if the application is made by any person other than the Collector of Customs or Central Excise be signed in accordance with the provisions of rule 3 of the Gold Control (Appeals) Rules, 1982.

2. The application shall be filed in triplicate.

3. The fee of Rs. 200 required to be paid under the provisions of the Act shall be paid through a crossed bank draft drawn in favour of the Assistant Registrar of the bench of the Tribunal on a branch of any nationalised bank located at the place where the Bench is situated and the demand draft shall be attached with the form of reference application.

FORM NO. G.A. 7

(See rule 8, 2)

FORM OF MEMORANDUM OF CROSS-OBJECTIONS TO THE APPELLATE TRIBUNAL IN THE MATTER OF REFERENCE TO THE HIGH COURT UNDER SECTION 82B (2) OF THE GOLD (CONTROL) ACT, 1968. IN THE CUSTOMS, EXCISE AND GOLD (CONTROL) APPELLATE TRIBUNAL.

Cross reference application No. _____ of 19__

(To be filled in by the office)

In reference application No. _____ of 19__

----- Applicant

Vs.

----- Respondent.

1. State/Union Territory and the Collectorate from which the memorandum of cross-objections is filed.

2. Date of receipt of notice of application filed Appellate Tribunal by the respondent.

3. Address to which notices may be sent to the respondent.

4. Address to which notices may be sent to the applicant.

5. The facts which are admitted and/or found by the Appellate Tribunal and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.

6. The following questions of law arise out of the order of the Appellate Tribunal.

(i)

(ii)

(iii)

etc.

7. The respondent, therefore, requires under sub-section (1) of the Section 82B of the Gold (Control) Act, 1963 that a statement of the case be drawn up and the questions of law referred in paragraph 6 above be referred to the High Court.

8. The documents or copies thereof as specified below (the translation in English of the documents where necessary is annexed) be forwarded to the High Court with the statement of the case.

Signature of the authorised representative, if any

Signature of the respondent.

VERIFICATION

I, ----- the respondent, do hereby declare that what is stated above is true to the best of my information and belief

Verified to-day, the ----- day of 19 -----

Signature of the authorised representative, if any.

Signature of the respondent.

NOTES

1. The memorandum of cross-objections and the form of verification shall if the memorandum is filed by any person, other than the Collector of Customs or Central Excise be signed in accordance with the provisions of rule 3 of the Gold (Control) Appeals Rules, 1982.

2. The memorandum of cross-objections shall be filled in triplicate.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-Section (i), No. 12, dated January 7, 1983

MINISTRY OF AGRICULTURE

G.S.R. 16 (E).—*New Delhi, the 7th January, 1983.*—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government makes the following Order further to amend the Fertiliser (Control) Order, 1957, namely :—

1. (i) This Order may be called the **Fertiliser (Control) (Amendment) Order, 1983**

(ii) It shall come into force on the date of its publication in the Official Gazette

2. In the Fertiliser (Control) Order 1957, for clause 19, the following clause shall be substituted, namely :—

“19. The State Government and/or the Central Government may, by notification in the Official Gazette, appoint such number of persons as it/they think necessary to be Inspectors of fertilisers for the purposes of the Order and may in any such notification define the local area within which each such Inspector shall exercise his jurisdiction.”

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 14, dated January 11, 1983

MINISTRY OF FINANCE

G.S.R. 19(E) *New Delhi, 11th January, 1983.*—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These Rules may be called the **Central Excise (First Amendment) Rules, 1983**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 92-D of the Central Excise Rules, 1944, for the figures and letter “223-A,” the figures and letters “223A, 223B,” shall be substituted.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 29, dated January 25, 1983.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 39(E) *New Delhi, the 25th January, 1983.*—In exercise of the powers conferred by sub-section (2) of section 1 of the **Drugs and Cosmetics (Amendment) Act, 1982** (68 of 1982), the Central Government hereby appoints the 1st day of February, 1983 as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 55, dated February 17, 1983.

MINISTRY OF ENERGY

G.S.R. 89 (E) *New Delhi, the 17th February.*—In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), the Central Government hereby makes the following Order further to amend the Petroleum Products (Supply and Distribution) Order, 1972, namely :—

1. (1) This Order may be called the **Petroleum Products (Supply and Distribution) Amendment Order, 1983.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Petroleum Products (Supply and Distribution) Order, 1972, in sub-paragraph (2) of paragraph 3, after the second proviso, the following proviso shall be inserted, namely :—

“Provided also that during the period of operation clause 3-A of Kerosene (Fixation of Ceiling Prices) Order, 1970, kerosene shall be distributed and sold at the prices derived and declared in accordance with the provisions of the said Order

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (i), No. 85, dated March 15, 1983

MINISTRY OF WORKS & HOUSING

G. S. R. 265(E). *New Delhi, the 4th March, 1983* — In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S. O. 749(E), dated 16th October, 1982, the Central Government hereby appoints the day of the publication of this notification in the Gazette of India, Extraordinary, as the date on which the Public Premises (Eviction of Unauthorised Occupants) Act 1971 (40 of 1971) shall come into force in the State of Sikkim.

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (i), No. 96, dated March 18, 1983.

MINISTRY OF ENERGY

G.S.R. 276(E) *New Delhi, the 18th March, 1983*.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Petroleum Products (Supply and Distribution) Order, 1972, namely:—

1. (1) This order may be called the Petroleum Products (Supply and Distribution) Second Amendment Order, 1983.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Petroleum Products (Supply and Distribution) Order, 1972, in sub-paragraph (2) of paragraph 3, the third proviso, shall be omitted.

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (ii), No. 10, dated January 11, 1983

MINISTRY OF FINANCE

S O. 10(E). *New Delhi, the 11th January, 1983*.—In exercise of the powers conferred by sub-section (2) of section 1 of the International Monetary Fund and Bank (Amendment) 1982 (67 of 1982), the Central Government hereby appoints the 15th day of January, 1983 as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (ii), No. 11, dated January 11, 1983.

MINISTRY OF COMMERCE

S.O. 11(E).—*New Delhi, the 11th January, 1983*.—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby

makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the **Exports (Control) First Amendment Order, 1983.**

2. In the Exports (Control) Order, 1977—

(a) In Part 'A' Schedule I, the following entry against Sl. No. 54 shall be deleted :—

“Writing and Printing Paper all sorts excluding hand-made paper and Airmail Tissue Paper below 34 G SM.”

(b) In Part 'B' Schedule I, the existing entry against Sl. No. 103 shall be substituted by the following entry :—

“103 Writing and Printing Paper all sorts including Airmail Tissue Paper below 34 GSM, excluding hand-made paper.”

Published in the Gazette of India, Extraordinary Part II, Section-3, Sub-section (ii), No. 17, dated January 17, 1982.

MINISTRY OF SHIPPING AND TRANSPORT

S O. 17(E).—*New Delhi, 17th January, 1982* In exercise of the powers conferred by sub-section (2) of section 1 of the **Motor Vehicles (Amendment) Act, 1978** (47 of 1978), the Central Government hereby appoints the date of publication of this Notification in the Official Gazette as the date on which the provisions of sections 12(b) and 24(a) shall come into force

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 18, dated January 17, 1983.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

S O. 18(E).—*In New Delhi, the 17th January, 1983.* In exercise of the powers conferred by Explanation to sub-section (4) of section 10 of the **Company Secretaries Act, 1980** (56 of 1980), the Central Government hereby notifies 30th December, 1982 (from 2 30 P.M.) as the date for purpose of the said Explanation.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 37, dated January 28, 1983

MINISTRY OF COMMERCE

S O 48(E)/No. E/C/O, 1977/AM(256) *New Delhi, the 28th January, 1983.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely:—

1. This Order may be called the **Exports (Control) Third Amendment Order, 1983**

2. In the Exports (Control) Order, 1977, in Part 'B' Schedule I, the following item shall be added after S.No. 4(b)(7)(C):—

“7(D)—Manufactured articles made out of Reptile/Snake Skins.”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 93, dated February 25, 1983.

MINISTRY OF HOME AFFAIRS

S.O. 145 (E). *New Delhi, the 25th February, 1983.*—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946) the Central Government hereby makes the following order, namely:—

1. (1) This order may be called the **Foreigners (Production of Proof of Identity) Order, 1983**.

It shall come into force at once and shall remain in force till the 31st March, 1983.

2. Every foreigner who is required to be in possession of a passport or any other kind of travel document for purpose of entry into India shall carry with him, at all times, while he is in the Union Territory of Delhi, his passport or such other travel document as is required to be in his possession or other proof of his identity as also the certificate of registration and residential permit, if any, issued to him under the Registration of Foreigners Rules, 1939, and the Foreigners Order, 1948, and shall be liable to produce the same on demand to any police officer of or above the rank of a constable or to any other officer concerned with internal security or work in respect of foreigners.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 115, dated March 9, 1983.

MINISTRY OF SHIPPING AND TRANSPORT

S.O. 168(E). *New Delhi, the 9th March, 1983.*—In exercise of the powers conferred by sub-section (1) of section 109C of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby amends the Solatium Fund Scheme, 1982, namely:—

1. *Short title and commencement.*—(1) This Scheme may be called the **Solatium Fund (Amendment) Scheme, 1983**.

(2) It shall be deemed to have come into force from the first day of October, 1982.

2. In the Solatium Fund Scheme, 1982,—

(i) Clause 13 shall be omitted;

(ii) In clause 2, after sub-clause (1),

the following proviso shall be inserted, namely:—

“Provided the Claims Enquiry Officer may entertain the application after the expiry of the said period of one month if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.”

Published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), No. 138, dated March 24, 1983.

MINISTRY OF INDUSTRY

S.O. 206(E). *New Delhi, the 24th March, 1983.*—In exercise of the powers conferred by clause (g) of section 2 of the Durgam Dadri Cement Limited (Acquisition and Transfer of Undertakings) Act,

1981 (31 of 1981), the Central Government hereby specifies the 4th day of April, 1983, as the specified date for the purpose of section 17 of the said Act,

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 145, dated March 26, 1983

MINISTRY OF CHEMICALS AND FERTILIZERS

S.O. 226(E). *New Delhi, the 26th March, 1983*—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendments to the Drugs (Price Control) Order, 1979, namely:—

1. (i) This order may be called the Drugs (Price Control) (fifth Amendment) Order, 1983.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Drugs (Price Control) Order, 1979—

(a) in the first Schedule, under the heading “II bulk drugs used in Category II formulations,” after S.No. 20, S.No. 21 (Ethambutol) shall be added.

(b) (i) under the heading “VII Anti-tubercular” entry No. 1 namely “Ethambutol” shall be omitted and the remaining entries shall be renumbered i.e. 1, 2, 3 and 4.

(c) In the third Schedule, under the heading “Category II formulations”, after entry No. 20, the following shall be added, namely:—

“21. Ethambutol preparations”.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 146, dated March 28, 1983.

MINISTRY OF INFORMATION AND BROADCASTING

S.O. 227(E). *New Delhi, the 28th March, 1983*—In pursuance of para 1(2) of the Ministry of Home Affairs’ notification No. 11013/7/78-SKM dated 27-12-1978 published as S.O. 738(E) in the Gazette of India, Extraordinary Part II, Section 3, sub-section (ii) dated 27-12-1978, the Central Government hereby appoints the 1st day of April, 1983 as the day on which the Cinematograph Act 1952 (37 of 1952) shall come into force in the State of Sikkim.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 84, dated February 22, 1983

MINISTRY OF FINANCE

S. O. 130(E). *New Delhi, the 22nd February, 1983*.—In exercise of the powers conferred by section 46 of the Wealth-tax Act, 1957 (27 of 1957), the Central Board of Direct Taxes hereby makes the following rules further to amend the Wealth-tax Rules, 1957, namely:—

1. (1) These rules may be called the **Wealth-tax (Amendment) Rules, 1983**.

(2) They shall come into force on the 1st day of April, 1983.

2. In the Wealth-tax Rules, 1957, in Form A,—

- (a) in Part I,—
- (i) in Section A, for item (1), the following item shall be substituted, namely :—
- “(1) Agricultural lands-as per Annexure I/Annexure II”.
- (ii) the following Note shall be added at the end, namely :—
- “Please see Notes below Annexure II” ;
- (b) in Annexure I, in the heading, the words “comprised in any tea, coffee, rubber or cardamom plantation, shall be omitted ;
- (c) in Annexure II,—
- (i) in the heading the words “comprised in any tea, coffee, rubber or cardamom plantation” shall be omitted ;
- (ii) for the first Note, the following Note shall be substituted, namely :—
- “Where the return relates to—
- (i) any of the assessment years 1970-71 to 1980-81, details of all agricultural lands should be shown in the statement ;
- (ii) any of the assessment years 1971-72 to 1976-77 details of all agricultural lands situated in urban areas and other areas should also be shown separately in the statement ;
- (iii) the assessment year 1981-82 or the assessment year 1982-83, details of agricultural lands comprised in tea, coffee, rubber or cardamom plantation should be shown in the statement ;
- (iv) the assessment year 1983-84, details of agricultural lands may be shown in Part IV.” ;
- (d) in Annexure VI, in serial number 16, the abbreviation and figures “Rs. 20,000” shall be omitted.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 163, dated March 31, 1983.

MINISTRY OF FINANCE

S.O. 273 (E).—*New Delhi, the 31st March, 1983.*—In exercise of the power conferred by Section 46 of the Wealth-tax Act, 1957 (27 of 1957), the Central Board of Direct Taxes hereby makes the following rules further to amend the Wealth-tax Rules, 1957, namely :—

1. (1) These rules may be called the **Wealth-tax (Second Amendment) Rules, 1983.**
- (2) They shall come into force on the 1st day of April, 1983.
- 2 In the Appendix to the Wealth-tax Rules, 1957, in Form DA,—
- (a) existing item 3 shall be renumbered as item 4, and before item 4 as so renumbered, the following item shall be inserted, namely :—
- “3. Status (see Note 4).” ;
- (b) existing item 4 shall be omitted ;
- (c) for existing item 6, the following item shall be substituted, namely :—
- “6. Proceedings to which application for settlement relates, the date from which proceedings are pending and the wealth-tax authority before whom the proceedings are pending (see Note 6).” ;
- (d) for existing item 8, the following item shall be substituted, namely :—

"8. Particulars of the issue to be settled, nature and circumstances of the case and complexities of investigation involved (see Note 7) "

(e) existing Note 4 shall be renumbered as Note 5, and before Note 5 as so renumbered, the following Note shall be inserted, namely :—

"4. Please state whether individual or Hindu undivided family";

(f) existing Note 5 shall be renumbered as Note 8, and before Note 8 as so renumbered, the following Notes shall be inserted, namely :—

"6. If the proceedings to which the application for settlement relates consist of assessment proceedings, indicate the designation of the Wealth-tax Officers/Inspecting Assistant Commissioner (Assessment) before whom the proceedings are pending indicating also the date of service of note under section 14(2)/section 17 of the wealth-tax Act, 1957, or, as the case may be, the date of filing of the return under section 14 of the said Act. Where the application for settlement relates to appellate proceedings, indicate the appellate authority before whom the appeal is filed and the date of filing of appeal. In cases where the application for settlement relates to revision petition, indicate the date of filing the revision petition and whether the same is filed within time or not.

"7. Full details of issues for which application for settlement is made, the nature and circumstances of the case or complexities of the investigations involved must be indicated against item 8. Where the application relates to more than one assessment year-wise."

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 141, dated March 5, 1983

MINISTRY OF HOME AFFAIRS

The following notification made by the President of India, on the 2nd March, 1983 is published for general information :—

8. O. 163(E). *New Delhi, the 2nd March, 1983.*—In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim the Industries (Development and Regulation) Act, 1951 (65 of 1951) and all rules, orders including notified orders, directions and notifications made thereunder subject to the following modifications, namely :—

(1) In section 30, in sub-section (1) of the said enactment the words and commas "subject to the condition of previous publication," shall be omitted;

(2) Any reference in the said enactment to a law not in force or to a functionary not in existence, in the State of Sikkim shall be considered as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State;

Provided that if any question arises as to who such corresponding functionary, is or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be, and the decision of the Central Government shall be final.

(3) Notwithstanding anything contained in the relevant provision, if any of the said enactment, for the commencement thereof, the provisions of the said enactment shall come into force in the State of

Sikkim on and from the date of publication of this notification in the Gazette of India.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 103, dated March 2, 1983.

MINISTRY OF HOME AFFAIRS

S O. 155. New Delhi, the 1st March, 1983.—In exercise of the powers conferred by sub-sections (1) and (2) of section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969 (hereinafter referred to as the said rules), namely:—

1. (1) These rules may be called the Border Security Force (Amendment) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 14A of the said rules—

(a) in sub-rule (3), after the words “grant to an officer”, the words “or subedar” shall be inserted;

(b) in sub-rule (4), after the words “An Officer” the words “or Subedar” shall be inserted.

3. In the said rules, after rule 23, the following rule shall be inserted, namely:—

23 A. Termination of service on conviction on a criminal charge:—

When a person subject to the Act is convicted of a civil offence the competent authority may dismiss or remove him from service without holding any inquiry or issuing a show cause notice.”

4. For rule 121 of the said rules, the following rule shall be substituted, namely:—

121. Review of General/Petty Security Force Court proceedings:—

The proceedings of a General and petty Security Force Court shall be sent by the person having the custody thereof to the Chief Law Officer for review, who shall then forward the same to the confirming authority.”

Published in the Gazette of India, Extraordinary, Part II, Section 3,

Sub-section (i), No. 9, dated January 7, 1983.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 13 (E). New Delhi, the 7th January, 1983.—Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1940 was published, as required by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), under the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health), No. G.S.R. 242 (E), dated the 5th March, 1982, at pages 293 and 294 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 5th March, 1982, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ninety days from the date of publication of the draft notifications in the Official Gazette;

And whereas the said Gazette was made available to the public on the 20th March, 1982 ;

And whereas no objection or suggestion has been received from public on the said draft rules ;

Now, therefore, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940, (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. These rules may be called the **Drugs and Cosmetics (First Amendment) Rules, 1983.**

• 2. In the Drugs and Cosmetics Rules, 1945,—

(I) in rules 85-B, after sub-rule (4), the following sub-rule shall be inserted, namely :—

“(5) Applications by licensee to manufacture additional items of Homoeopathic medicines shall be made to the licensing authority and such applications shall be accompanied by a fee of rupees five for each additional item”.

(II) in rule 85-H,—

(i) in clause (e), in sub-clauses (i), (ii) and (iii), the following words shall be added at the end, respectively, namely :—

“for a period of five years” ;

(ii) in clause (f), the following shall be added at the end, namely :—

“such records shall be maintained for a period of five years.” ;

(III) In Schedule A,—

(i) in Form 24-C, for entry—I, the following shall be substituted, namely :—

“1. I/we _____ of _____ holder of licence No. _____ in form 20C hereby apply for grant/renewal of licence to manufacture the undermentioned Homoeopathic Mother Tincture potentised and other preparations on the premises situated at—_____

Names of the Homoeopathic preparations—_____

(Each item to be separately specified),”

(ii) In Form 25-C, for entry 1, the following shall be substituted, namely :—

“I, _____ of _____ who holds a licence in Form 20-C is hereby licensed to manufacture the under mentioned Homoeopathic Mother Tincture/potentised and other preparations on the premises situated at _____ under the direction and supervision of following technical staff—Names of the Homoeopathic preparations.

(Each item to be separately specified)

Names of the Technical Staff—_____.”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 82, dated February 21, 1983.

MINISTRY OF FINANCE

S O. 128 (E) New Delhi, the 21st February, 1983.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of

1961). the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called **the Income-tax (Amendment) Rules, 1983.**

(2) They shall come into force on the 1st day of April, 1983.

2. In Appendix II to the Income-tax Rules, 1962—

(1) in Form No 1—

(a) in Annexure C, items 4, 5, 6, 7, and 8 shall be re-numbered as items 5, 6, 7, 8 and 9 respectively and before item 5 as so re-numbered, the following item shall be inserted, namely :—

“4. Profits and gains from projects outside India-Section 8 OHHB”;

(b) in Note 3, in item 3 under sub-heading “(2) Computation of Assessable Profits of Loss from Business or Profession for the previous year :—

(i) sub-item (h), (i) (j), (k) and (l) shall be relettered as sub-items (i), (j), (k), (l) and (m) respectively and sub-items (m), (n), (o), (p), (q), (r), (s), and (t) shall be re-lettered as sub-items (o), (p), (q), (r), (s), (t), (u) and (v) respectively;

(ii) before sub-item (i) as so re-lettered, the following sub-item shall be inserted, namely :—

“(h) expenditure by way of payment to associations and institutions for carrying out programmes of conservation of natural resources sec. 35 CCB.”;

(iii) before sub-item (o) as so re-lettered, the following sub-item shall be inserted, namely :—

“(n) In the case of a scheduled bank having banking operations outside India, amounts carried to special reserve accounts-sec 36 (1) (viii);”

(c) In Note 7, after the words and figures “section 90 or 91”, the words, figures and letter “or has export turnover in relation to which the Company is entitled to tax relief under section 89A” shall be inserted;

(2) in Form No. 2—

(a) in Annexure C,—

(i) for the word, figures and letters “section 53, 54, 54B, 54D, or 54E” figures and letters “section 53, 54, 54B, 54D, 54E or 54F” shall be substituted;

(ii) for the abbreviation, figures, letter and brackets “sec. 54E (2)” the abbreviation, figures, letters and brackets “sec. 24E (2) or 54F(3)” shall be substituted;

(b) in Annexure D,—

(i) in item 1, for the words, figures and letter “Payments on which deduction under section 80C is available”, the words, figures, letter and brackets “Payments on which deduction under section 80C is available (See Note below)” shall be substituted;

(ii) the following Note shall be inserted at the end, namely :—

“Note : If participation in Unit-linked Insurance Plan or any contract of insurance has been terminated during the previous year,

please furnish details thereof, if the provisions of section 80C (5) or 80C (6) are applicable.”;

(iii) items 5, 6, 7, 8, and 9 shall be re-numbered as item 6, 7, 8, 9 and 10 respectively and before item 6 as re-numbered the following item shall be inserted, namely :—

“5- Profits and gains from projects outside India-sec. 80HFB”;

(c) in Note 3, in item 3, under sub-heading “(2) Computation of assessable Profits/Loss from business or Profession for the previous year”; sub-items (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r) shall be re-lettered as sub-items (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) and (s) respectively and before the sub-item (i) as so re-lettered the following sub-item shall be inserted, namely :—

“(h) expenditure by way of payment to associations and institutions for carrying out programme of conservation of natural resources-sec 35CCB,”;

(d) in Note 8, for the word, figures “section 53, 54, 54B, and 54D or 54E” the word, figures and letters “section 53, 54, 54B, 54D, 54E, or 54F” shall be substituted;

(e) in Note 9, after the words, figures and letter “or has export turnover in relation to which he is entitled to tax relief under section 89A”, shall be inserted;

(3) in Form No. 3—

(a) in Annexure C,—

(i) for the word, figures and letters “sections 53, 54, 54B or 54E”, the word, figures and letters “section 53, 54, 54B, 54E or 54F”, shall be substituted ;

(ii) for the abbreviation figures, letter and brackets—“Section 54E(2)”, the abbreviation, figures, letters and brackets “section 54E(2) 54F(2) or 54F (3)” shall be substituted ;

(b) in Annexure D,—

(i) in item 1, for the words, figures and letter “Payments on which deduction under section 80C is available”, the words, figure, letter and bracket “Payments on which deduction under section 80C is available (See Note below)”, shall be substituted ;

“Note : If participation in Unit-linked Insurance Plans or any contract of insurance has been terminated during the previous year, please furnish details thereof if the provisions of section 80C (5) or 80C (6) are applicable.”;

(c) in Note 6, for the word, figures and letters “sections, 53, 54, 54B, or 54E”, the word, figures, and letters “section 53, 54, 54B, 54E or 54F,” shall be substituted ;

(4) in Form No. 3A,—

(a) in Annexure B, for the word, figures and letters “sections 53, 54, 54B, 54D or 54E”, the word, figures, and letters “section 53, 54, 54B, 54D, 54E or 54F” shall be substituted ;

(b) in Note 3, in item 3 under sub-heading “(2) Computation of Assessable Profit and Loss from business or Profession for the previous year”, sub-items (h), (i), (k), (l), (m), (n), (o), (p), (q), (r) and

(s) shall be relettered as sub-items (i), (j), (k), (l), (m), (n), (o), (p), (r), (s) and (t) respectively—and before sub-item (i) as so-lettered the following sub-item shall be inserted, namely :—

“(h) expenditure by way of payment to associations and institutions for carrying out programmes of conservation of natural resources—sec. 35CCB;”,

(c) in Note 12, after the words and figures “section 90 or 91”, the words, figure and letter “or has export turnover in relation to which he is entitled to tax relief under section 89A”, shall be inserted.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 94, dated February 26, 1983.

MINISTRY OF FINANCE

S. O. 146 (E). *New Delhi, the 26th February, 1983.*—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the *Income-tax (Third Amendment) Rules, 1983.*

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962, in Part I of Appendix I in the Table of rates at which depreciation is admissible, in column I, under the heading “III. Machinery and Plant (not being a ship)—” under the sub-heading “(ii) Special rates” in Groups D, after item (10B), the following item shall be inserted, namely :—

“(10C) Energy Saving Devices, being—

(a) Specialised boilers and furnaces

(i) Ignifluid/fluidized bed boiler.

(ii) Flameless furnaces.

(iii) Fluidized bed type heat treatment furnace

(iv) High efficiency boilers (Thermal Efficiency higher than 75 per cent in case of coal fired and 80 per cent in case of oil/gas fired boilers).

(b) Instrumentation and Monitoring Systems for monitoring energy flows :

(i) Automatic electrical load monitoring system

(ii) Digital heat loss meters.

(iii) Microprocessor-based control systems.

(c) Waste heat recovery equipments and co-generation systems;

(i) Economisers and feed water heaters.

(ii) Recuperators and air preheaters.

(iii) Backpressure turbines for co-generation.

(iv) Heat pumps.

(v) Vapour absorption refrigeration system.

(vi) Organic Ranking Cycle Power system

(vii) Low inlet pressure small steam turbines.

(d) Power Factor Correcting Devices.

(i) Shunt Capacitors and synchronous condenser systems.”

Published in the Gazette of India, Extraordinary Part II, Section 3,
Sub-section (ii), No. 99, dated February 28, 1983.

CENTRAL BOARD OF DIRECT TAXES

S.O. 151(E). *New Delhi*.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. (1) These rules may be called the **Income-tax (Fourth Amendment) Rules, 1983**.

(2) They shall come into force on the 2nd day of April, 1983.

2. In the Income-tax Rules, 1962, in Part I of Appendix I in the "Table of rates at which depreciation is admissible."

(1) under the heading "I" Buildings",—

(i) for items 1, 2 and 3 and the entries relating thereto in column 1, 2 and 3, the following items and entries shall be substituted, namely:—

1	2	3
1. General rate	5	"Buildings" include roads bridges,
2. Special rate in respect of	10	culverts, wells, and tube-wells
factory buildings (excluding offices, godowns officers' and employers' quarters, roads, bridges culverts, wells and tube-wells)		

(ii) item 4 and 5 shall be renumbered, in sub-items (a) and (b), in the entries under column 2, for the figures and word "1, 2, 3 or 4", the figures and word "1, 2, or 3" shall be substituted ;

(2) under the heading "III MACHINERY AND PLANT (not being a ship)",—

(i) in item (i). in column 2, for the figures "10", the figures "15" shall be substituted ;

(ii) in item (ii),—

(A) Group A and Group B and the entries relating thereto in columns 1 and 2 shall be omitted ;

(B) in group D, sub-item (10C) and the entries relating there in column 1 shall be omitted ;

(C) in group F, after sub-item (2), the following sub-item shall be inserted in column 1, namely :—

"(2A) Energy saving devices, being—

(a) Specialised boilers and furnaces

(i) Inguifluid/fluidized bed boiler

(ii) Flameless furnaces

(iii) Fluidized bed type heat treatment furnace.

(iv) High efficiency boilers (thermal efficiency higher than 75 per cent, in case of coal fired and 80 per cent, in case of oil/gas fired boilers).

(b) Instrumentation and monitoring system for monitoring energy flows :

(i) Automatic electrical load monitoring system.

- (ii) Digital heat loss meters
- (iii) Micro-processor-based control systems
- (c) Waste heat recovery equipments and co-generation systems;
 - (i) Economisers and feed water heaters
 - (ii) Recuperators and air pre-heaters
 - (iii) Backpressure turbines for co-generation
 - (iv) Head Pumps
 - (v) Vapour absorption refrigeration system.
 - (vi) Organic ranking cycle power system
 - (vii) Low inlet pressure small steam turbines.
- (d) Power factor correcting devices :
Shunt capacitors and synchronous condenser systems";
- (iii) in item (iv),—

(A) in the paragraph occurring after the Illustration, for the figures and words "10 per cent", the figures and words "15 per cent" shall be substituted;

(B) for the items of machinery and plant at (1) to (10) and the entries relating thereto in column 1, the following items and entries shall be substituted, namely—

- (1) Accounting machines
- (2) Airconditioning machinery including room airconditioners.
- (3) Building contractors' machinery
- (4) Calculating machines.
- (5) Electrical Machinery-switchgear and instruments, transformers and other stationary plant and wiring and fittings of electric light and fan installation.
- (6) Hydraulic works, pipelines and sluices
- (7) Locomotives, rolling stocks, tramways and other railways used by concerns, excluding railway concerns.
- (8) Mineral oil concerns-field operations :—
 - (a) Boilers
 - (b) Prime movers
 - (c) Process plant.
 - (d) Storage tanks (above ground)
 - (e) Pipelines (Above ground)
 - (f) Jetties and dry docks.
- (9) Mineral oil concerns-Field operations (distribution)-kerbside pumps, including underground tanks and fittings.
- (10) Mineral oil concerns-refineries :—
 - (a) Boilers
 - (b) Prime movers
 - (c) Process plant
- (11) Mines and quarries :—
 - (a) Surface and underground machinery (other than electrical and portable underground machinery)
 - (b) Head-gears
 - (c) Rails
 - (d) Boilers
 - (e) Shafts and inclines
 - (f) Tramways on the surface.
- (12) Neo-post franking machines.

- (13) Office machinery
- (14) Overhead cables and wires
- (15) Railway sidings
- (16) Refrigeration plant containers etc. (other than racks)
- (17) Ropeway structures :—
 - (a) Trestle and station steel work
 - (b) Driving and tension gearing
- (18) Salt works—Reservoirs condensers, salt pans, delivery channels and piers if constructed of masonry, concrete, cement asphalt or similar materials; barges and floating plant; piers, quays and jetties; and pipelines for conveying brine if constructed of masonry, concrete, cement asphalt or similar materials.
- (19) Surgical instruments.
- (20) Tramways electric and tramways run by internal combustion engines—permanent way; cars—car, trucks, car bodies, electrical equipment and motors; tram cars including engines and gears.
- (21) Typewriter
- (22) Weighing machines
- (23) Wireless apparatus and gear, wireless appliances and accessories.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 100, dated February 28, 1983.

CENTRAL BOARD OF DIRECT TAXES

S.O. 152(E). *New Delhi, the 28th February, 1983.*—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962 namely:—

1. (1) These rules may be called the **Income-tax (Fifth Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 6F of the Income-tax Rules, 1962,—

(1) to sub-rule (1), the following proviso shall be added, namely:—
“Provided that nothing in this sub-rule shall apply in relation to any previous year—

(a) in the case of any person (other than a person referred to in clause (b) if his total gross receipts in the profession do not exceed sixty thousand rupees in any one of the three years immediately preceding the previous year or, where the profession has been newly set up in the previous year, his total gross receipts in the profession for that year are not likely to exceed the said amount ;

(b) in the case of a person who, in the course of his medical profession dispenses drugs and medicines, his total gross receipts in the profession do not exceed eighty thousand rupees in any one of the three years immediately preceding the previous year, or where the profession (including the dispensing of drugs and medicines) has been newly set up in the previous year, his total gross receipts in the profession for that year not likely to exceed the said amount”;

(2) in sub-rule (2),—

(a) for clause (iv), the following clause shall be substituted, namely:—

“(iv) carbon copies of bills, whether machine numbered or otherwise serially numbered, wherever such bills are issued by the person, and carbon copies or counter-foils of machine numbered or otherwise serially numbered receipts issued by him :

Provided that nothing in this clause shall apply in relation to sums not exceeding twenty-five rupees ”

(b) to clause (v), the following proviso shall be added, namely:—

“Provided that the requirement as to the preparation and signing of payment vouchers shall not apply in a case where the cash book maintained by the person contains adequate particulars in respect of the expenditure incurred by him.” ;

(c) in Explanation (b), for the words “a week”, the words “a month” shall be substituted ;

(d) in sub-rule (3), in clause (ii), after the words “an inventory”, the words “under broad heads,” shall be inserted;

(e) in sub-rule (4), after the words “sub-rule (2) and sub-rule (3)”, the words, “other than those relating to a previous year which has come to an end” shall be inserted;

(f) in sub-rule (6), for the words and figures “before the first day of September, 1982,” the words and figures “before the first day of March, 1983” shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3,

Sub-section (ii), No. 14, dated January 13, 1983

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

S.O 14 (E). *New Delhi, the 12th January, 1983.*—Whereas the Central Government is of the opinion that it is necessary and expedient so to do in the public interest ;

Now, therefore, in exercise of the powers conferred by sub-rule (5) of the Monopolies and Restrictive Trade Practices Rules, 1970, the Central Government hereby specifies the Form in which Notice under sub-section (1) of section 21 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), shall be given in regard to the undertakings engaged in the production of articles as specified in the Schedule to this Order.

FORM

APPLICATION FORM FOR RE-ENDORSEMENT OF CAPACITY OF UNDERTAKINGS

1. Name and address of the Industrial undertaking :
2. Whether registered under MRTP Act and if so, indicate relevant section of the Act
3. Whether dominant undertaking and if so, the item in which dominant.
4. Whether covered by FERA.
5. Item(s) of production if an appendix I Item, please indicate the item No. in Appendix I-dt. 2.2.1973.
6. Whether the item(s) are reserved for small scale sector or subject to special regulation (vide items included in Annexure to the Press Note dated 21st April, 1982) or pesticide formulations,

7. Particulars of industrial licence/COB licence 10 of the 1(D&R Act) held by the undertaking

8. Licensed registered capacity

9. Production during the last 5 financial years i. e. from 1977-78 to 1981-82 year-wise/item-wise (N B the production figures should conform to the figures of production reported to DGTD and other technical authorities and should also be supported by Chartered Accountants' certificate)

10. Whether the production plus one-third thereof in any of the above mentioned five years is higher than the licensed capacity +25 per cent and the year in which highest production was achieved may be indicated.

11. Extent of re-endorsement of capacity sought for in terms of the Press Note dated 21st April, 1982.

12. Any other information that may be relevant and helpful for re-endorsement as per a Press Note dt. 21st April, 1982.

Certified that the information furnished above are true and are as per the records maintained by the Industrial Undertakings

Date :

(Signature of the Applicant)

SCHEDULE

1. METALLURGICAL INDUSTRIES :

1. Ferro alloys.
2. Automotive castings, SG castings, steel castings, steel castings and steel forgings.
3. Non-ferrous metals and their alloys, including aluminium foils.
4. Sponge Iron and Pelletisation.

2. BOILERS AND STEAM GENERATING PLANTS :

3. PRIME MOVERS (OTHER THAN ELECTRICAL GENERATORS) :

1. Industrial turbines.
2. Internal combustion engines.
3. Alternate energy systems like solar, wind, etc. and equipments therefor.

4. Gas/Hydro/Steam turbines from 20 MW to 60 MW.

4. ELECTRICAL EQUIPMENT :

1. Equipment for transmission and distribution of electricity including power and distribution transformers, power relays, HI-switch gear, synchronous condensers.

2. Electrical Motors.

3. Electrical furnaces including industrial furnaces.

4. X-ray equipment.

5. Electronic components and equipment.

6. Component wires for manufacture of lead-in-wires.

7. Hydro/Steam/Gas generators from 20 MW to 60 MW.

5. TRANSPORTATION :

1. Mechanised sailing vessels upto 10,000 DWT including fishing trawlers.

2. Ship ancillaries.

3. (1) Commercial vehicles, public transport vehicles including,

automotive commercial three-wheelers jeep type vehicles, industrial locomotives.

(2) Personal transport vehicles :

(i) Passenger cars

(ii) Automotive two-wheelers and three wheelers. Regarding two-wheelers, only expansion of existing units, subject to an export obligation of 25 per cent on additional capacity.

(3) Specialised automotive components, such as pistons and piston rings, fuel injection equipment; auto-electricals, such as starter motors, generators, spark plugs, rear axle assembly, brake and clutch assembly, tyre/tube valves, wheels for automobiles and bimetal bearings.

6 INDUSTRIAL MACHINERY :

Industrial machinery including specialised equipment.

(1) High performance and high fidelity industrial valves as may be specified by the Ministry of Industry,

(2) Centralised fabrication systems.

(3) Gears, gear boxes and coupling.

(4) Rolls for paper mills, rolls for rolling mills

(5) Pollution control equipment.

(6) Process equipment for utilisation of re-cycling of Wastes.

7. (1) Machine tools, including controls and accessories

(2) Jigs, fixtures, tools and dies of specialised types and cross land tooling

(3) Engineering production aids such as cutting and forming tools, patterns and dies and mining tools.

8. AGRICULTURAL MACHINERY :

Tractors

9. EARTH MOVING MACHINERY :

Earth Moving machinery and construction of machinery and components thereof.

10. INDUSTRIAL INSTRUMENTS :

Indicating, recording and regulating devices for pressure, temperature, rate of flow weights, levels and the like .

11. SCIENTIFIC and Electro-Medical Instruments and Laboratory Equipment :

12. Nitrogenous and Phosphatic FERTILIZERS falling under

(1) Inorganic fertilizers under '18-Fertilizers' in the First Schedule to the I.D.&R) Act, 1951.

13. CHEMICALS (other than fertilizers) :

(1) Heavy organic chemicals including petro-chemicals.

(2) Heavy inorganic chemicals.

(3) Organic fine chemicals.

(4) Synthetic resins and plastics.

(5) Man-made fibres.

(6) Synthetic rubber.

(7) Industrial explosives.

(8) Technical grade insecticides, fungicides, weedicides and the like.

(9) Synthetic detergents.

(10) Miscellaneous chemicals (for industrial use only) including :

- (1) Catalysts and Catalyst supports.
- (2) Photographic chemicals.
- (3) Rubber chemicals
- (4) Polyols.
- (5) Isocyanates, Urethanes, etc.
- (6) Speciality chemicals for enhanced oil recovery.
- (7) Heating fluids.
- (8) Coal tar distillation and products therefrom.
- (9) Tonnage plants for the manufacture of industrial gases.
- (10) High altitude breathing oxygen /medical oxygen.
- (11) Nitrous & oxide.
- (12) Refrigerant gases like liquid nitrogen, carbon dioxide, etc. in large volumes.
- (13) Argon and other rare gases
- (14) Alkali/acid resistant cement compound.
- (15) Leather chemicals and auxiliaries.
14. DRUGS AND PHARMACEUTICALS :
For FERA Drug Companies :
 - (a) Drug intermediates from the basic stage for production of high technology bulk drugs;
 - (b) High technology bulk drugs from basic stages and formulations based thereon with an overall ratio of bulk drugs consumption (from own manufacture) to formulations from all resources of 1 : 5.
 For NON-FERA MRTTP Companies :
All bulk drugs and formulations with an overall ratio of 1 : 10 between the value of production of bulk drugs and of formulation.
15. (1) PAPER and Pulp including paper products.
- (2) Industrial laminates.
16. (1) AUTOMOBILE TYRES and tubes, including automobile tube valves.
- (2) Rubberised heavy duty industrial beltings of all types.
- (3) Rubberised conveyor beltings.
- (4) Rubber reinforced and lined fire fighting hose pipes.
17. PLATE GLASS :
 - (1) Float glass.
 - (2) Toughened glass insulators
 - (3) Glass fibres of all types.
18. CERAMICS :
 - (1) Refractories.
 - (2) Furnace lining bricks-acidic, basic and neutral.
 - (3) Ceramic fibres.
19. CEMENT PRODUCTS :
 - (1) Portland Cement.
 - (2) Gypsum boards, wall boards and the like.
20. High Technology REPRODUCTION AND MULTIPLICATIONS EQUIPMENT :
21. CARBON AND CARBON PRODUCTS :
 - (1) Graphite electrodes and anodes.
 - (2) Impervious graphite blocks and sheets.
22. PRETENSIONED HIGH PRESSURE RCC PIPES

23. Rubber Machinery :

24. Printing Machinery :

(1) Web fed high speed off-set rotary printing machines having out put of 30,000 or more impressions per hour.

(2) Photo composing type setting machines.

(3) Multi-colour sheet-fed off-set printing machines of sizes 18"×25" and above.

(4) High speed Rotogravure Printing machines having output of 30,000 or more impressions per hour.

Note: Items of manufacture reserved for the Sector under Schedule A to the Industrial Policy Resolution, 1956 or for production in the Small Scale Sector, as may be notified from time to time, will be excluded from the application of the list.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub section (i), No 37, dated, February 2, 1983

MINISTRY OF COMMUNICATIONS

G.S.R. 49(E). *New Delhi, the 2nd February, 1983.*—In exercise of the powers conferred by sections 10 and 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely :—

1. (1) These rules may be called the **Indian Post Office (Second Amendment) Rules, 1983**

(2) They shall come into force on the first day of March, 1983.

2. In the Indian Post Office Rules, 1983.—

(a) in rules 5, for the existing heading of column 3 of the table the heading "Bhutan and Nepal" shall be substituted ;

(b) in rule 5A,—against serial 5 of column for the words "Bhutan, Nepal and Bangladesh", the words "Bhutan and Nepal" shall be substituted ;

(c) after rule 5A, the following rule shall be inserted, namely :—

"5B. The following rates of postage shall be chargeable on postal articles to Bangladesh where the postage is prepaid, namely :—

Postage rates for letters, letter cards, post cards inclusive of surcharge :—

	Postage Rs. P.
1. Letters	
For a weight not exceeding 10 grams.	0-60
For every additional 10 grams.	0-30
2. Letter cards	0-40
3. Post card	
Single	0-20
Reply	0-40
4. Postcard containing printed communication.	0-30
Postage rates surcharge for second class mail	
5. Book Pattern and Sample Packets	Surcharge
(i) For the 1st 50 grams or fraction thereof.	0-30) plus 10 paise for each 10

(ii) For every additional 25 grams or fraction 0-15) grams or part
in excess of 50 grams.) thereof.

6. Book packets containing printed books

(i) For the 1st 100 gram or fraction 0-15) plus 10 paise
thereof.) for each 10

(ii) For every additional 50 grams or 0-10) grams or part
fraction thereon in excess of 100 grams.) thereof

7. Book packet containing periodicals

Surcharge

(i) For the 1st 100 grams or fraction 0-15)
thereof.) plus 10 paise

(ii) For every additional 50 grams or) for each 10
fraction thereof in excess of 100 grams. 0-20) grams or part

8. Registered Newspapers

(a) in the case of a single copy of a registered
newspaper—

(i) For a weight not exceeding 50 grams. -05)

(ii) For a weight exceeding 50 grams but 0-15) plus 10 paise
not exceeding one hundred grams) for each 10

(iii) For every additional one hundred grams 0-10) grams of part
or fraction thereof exceeding one)
hundred grams.)

(b) In the case of more than one copy of
the same issue of a registered news-
paper being carried in the same
packet.

(i) weight not exceeding one hundred 0-15)
grams.) plus 10 paise

(ii) for every additional one hundred 0-10) for each 10
grams or fraction thereof in excess of) grams or part
one hundred grams.)

Published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section (i), No. 52, dated February 16, 1983.

MINISTRY OF COMMUNICATIONS

G.S.R. 86 (E). *New Delhi, the 16th February, 1983.*—In exercise
of the powers conferred by section 7 of the Indian Telegraph Act, 1885
(13 of 1885), the Central Government hereby makes the following rules
further to amend the Indian Telegraph Rules, 1951, namely:—

1. (1) These rules may be called the **Indian Telegraph (Amend-
ment) Rules, 1983.**

(2) They shall come into force on the 1st of March, 1983.

2. In the Indian Telegraph Rules, 1951 (hereinafter referred to as
the said rules), for rule 443, the following shall be substituted namely:—

“443. *Default of payment:*—If, on or before the due date, the
rent or other charges in respect of the telephone service provided are
not paid by the subscriber in accordance with these rules, or bills for
charges in respect of calls (local and trunk) or phonograms or other
dues from the subscriber are not duly paid by him, any telephone or

telephones or any telex service rented by him may be disconnected without notice. The telephones or the telex so disconnected may, if the Telegraph Authority thinks fit, be restored, if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which the telephone or telex remains disconnected) as may be prescribed by the Telegraph Authority from time to time. The subscriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time."

3. In rule 511 of the said rules, for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3) If on or before the due date, the rent or other charges in respect of telex service provided are not paid by the subscriber in accordance with these rules, or bills or charges in respect of calls (local, national and international), or other dues from the subscriber are not duly paid by him, any telex or telephone or telephones rented by him may be disconnected without notice. The telex or telephones so disconnected may, if the Telegraph Authority thinks fit, be restored if the defaulting subscriber pays the outstanding dues and the reconnection fee together with the rental for such portion of the intervening period (during which the telex or telephones remain disconnected) as may be prescribed by the Telegraph Authority from time to time. Subscriber shall pay all the above charges within such period as may be prescribed by the Telegraph Authority from time to time."

Published in the Gazette of India, Extraordinary, part II, Section 3, Sub-section (i), No. 65, dated February 23, 1983

MINISTRY OF LABOUR AND REHABILITATION

G. S. R. 99 (E). *New Delhi, the 23rd February, 1983.*—Whereas certain draft rules further to amend the Payment of Wages (Mines) Rules, 1956 were published as required by sub-section (2) and (3) of section 26 read with section 24 of the Payment of Wages Act 1936 (4 of 1936), at page 1-2 of the Extraordinary Gazette of India Part II, Section 3, Sub-section (i) dated the 27th August, 1982 under the notifications of the late Ministry of Labour No. G. S. R. 545 (E) dated the 27th August, 1982 inviting objections and suggestions from all concerned likely to be affected thereby, within three months from the date of publication of the notification in the official gazette;

And whereas the said Gazette was made available to the public on the 27th August, 1982;

And whereas no objections and suggestions have been received on the said draft;

Now, therefore, in exercise of the powers conferred by section 26 of the said Act, the Central Government hereby makes the following rules further to amend the Payment of Wages (Mines) Rules, 1956, namely:—

1. These rules may be called the **Payment of Wages (Mines) Amendment Rules, 1983**;

2 (a) In rules 2 of the **Payment of Wages (Mines) Rules, 1956,**

hereinafter referred to as the said rules, after clause (f) the following clause shall be inserted, namely :—

“(ff) “Deputy Chief Labour Commissioner (Central)” means an officer appointed as such by the Central Government ;”

(b) in clause (kk) of rule 2, sub-rule (1), (2), (3), (4), (5), and (6) of rule 2A; rule 9; rule 10; 11, proviso to sub-rule (2) of rule 13; rule 18 and sub-rule (1) of rule 19 of the said rules, after the words, “Regional Labour Commissioner”, brackets and the words “(Central)” shall be inserted.

3. In sub-rule 6 of rule 3 and 4 of the said rules, for the words “Chief Labour Commissioner”, the words and brackets “Regional Labour Commissioner (Central)” shall be substituted.

4. In rule 5 of the said rules, the words, “up-to-date” shall be inserted between the words “shall be maintained” and “kept at the work spot”, and for the words, “Chief Labour Commissioner” the words and brackets “Regional Labour Commissioner (Central)” shall be substituted.

5. In rule 5B of the said rules, for the words, “Chief Labour Commissioner” the words and brackets “Deputy Chief Labour Commissioner (Central)” shall be substituted.

6. In sub-rule (1) of rule 6 of the said rules, after the words, “made therein” the words and brackets, “at the work spot or where the employer experiences difficulty in keeping them at the work spot, at other suitable place approved by the Regional Labour Commissioner (Central) in this behalf” shall be added.

7. In rule 8 of the said rules, in sub-rule (1),

(a) clause (i) and (ii) shall be renumbered as clauses (ii) and (iii) respectively and before clause (ii) so renumbered the following clause shall be inserted, namely :—

“(i) the wages period for which the wages are payable”;

(b) in clause (iii), the word “and” shall be added in the end,

(c) after clause (iii), the following clause shall be added, namely:—

“(iv) the day or days on which unpaid wages are to be paid, indicating the relevant wage period”;

8. After rule 8, of the said rules, the following rules, shall be inserted, namely :—

“8A. Supervision of payment—Whenever so directed by the inspector, the employer or his representative at the work spot shall pay wages to the employed persons on the notified date of payment under the supervision of the inspector.”

9a. In the proviso to sub-rule (1) of rule 17 of the said rules, for the words “Chief Labour Commissioner”, the words and brackets, “Deputy Chief Labour Commissioner (Central)” shall be substituted.

10. In Form V of the said rules, for the figures, “Rs. 400” appearing at items 3(a), (b) and (d) and items 4 and 5, the figures “Rs. 1000” shall be substituted

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 70, dated February 26, 1983.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 109(E) New Delhi, the 26th February, 1983—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by Sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), with the notification of Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G.S.R. 837, dated 1st September, 1981 at pages 1984-87, in the Gazette of India, Part II, Section 3, Sub-section (i) inviting objections and suggestions from all the persons likely to be affected thereby before the expiry of 90 days from the date on which copies of the said Gazette were made available to the public

And whereas the copies of the said Gazette were made available to the public on the 12th September, 1981;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government after consultation with Central Committee for Food Standards hereby makes the following rules, further to amend the Prevention of Food Adulteration Rules, 1955, namely:—

RULES

1. (1) These rules may be called the **Prevention of Food Adulteration (1st Amendment) Rules, 1983**.

(2) They shall come into force on the date of their publication in the Official Gazette, except rule 2(3) which shall come into force after six months from the date of its publication.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), in rule 42.

(i) in clause (I), the words "percentage of edible common salt and" shall be omitted.

(ii) in clause (L) the following words shall be inserted at the end, namely :—

"If mixed masala is fried in Oil, it shall bear the following label :—

MIXED MASALA (FRIED)
THIS MASALA HAS BEEN FRIED IN

(Name of the edible oil used)

3. In appendix "B" to the said rules,

(1) (a) in items A.05.01, A.05.02, A.05.03, A.05.07, A.05.04, A.05.04 01, A.05.07, A.05.08, A.05.09, A.05.10, A.05.11, A.05.12, A.05.13, A.05.14, A.05.15, A.05.17, and A.05.22, after the words and

figures "insect damaged matter shall not exceed 5 per cent by weight." the words "It shall be free from added colouring matter." shall be inserted ;

(b) in items A 05.01.01, A.05.03.02, A 05.04.02, A.05.06.01, A 05.07.01, A.05.08.01, A.05.09.01, A.05.10.01, A.05.11.01, A.05.12.01, A 05.13.01, A 05.14.01, A.05.15.01, A 05.16, A.05.16.01, A.05.17.02, A.05.17.03, A 05.18, and A.05.23, the words "It shall be free from added coloring matter" shall be added at the end ;

(2) in item A 05.21, the "whenever edible common salt is added, its percentage by weight shall be declared on the label, also" shall be omitted ;

(3) after item A.05.21, the following items shall be inserted, namely :—

"A.05.21.01. Mixed Masala (whole) means a mixture of clean, dried and sound aromatic herbs and spices. It may also contain dried vegetables and/or fruits, oilseeds, garlic, ginger, poppy seeds and curry leaves. It shall be free from added colouring matter. It shall be free from mould growth, and insect infestation. The proportion of extraneous matter shall not exceed five per cent by weight, out of which the proportion of organic matter including foreign edible seeds, and inorganic matter, shall not exceed three per cent and two per cent, respectively.

The names of the spices contained in the mixture shall be indicated on the Label in descending order of composition by it."

(4) in item A.07.03, for the words and figures "Fructose/Glucose ratio shall not be less than 0.90", the words and figures "Fructose/Glucose ratio shall not be less than 0.95, shall be substituted.

(5) in item A.18.01, for the word "Atta" the words "Atta or resultant atta", shall be substituted;

(6) for item A.18.07—the following item shall be substituted, namely:—

"A.18.07—Biscuits including wafer biscuits shall be made from maida, vanaspati or refined edible oil or table butter or deshi butter or margarine or ghee or their mixture. It may contain any one or more of the following ingredients, namely:—

Edible common salt; permitted anti-oxidants; emulsifying and stabilising agents; permitted preservatives and colours; leavening agents such as baking powder; ammonium bicarbonate; ammonium carbonate; butter milk powder; cereals and their products; cheese; citric acid; cocoa; coffee extract; edible desiccated coconut; dextrose; fruits and fruit products; dry fruit and nuts; egg; edible vegetable products; amylases and other enzymes, permitted flavouring agents; flavour improvers and fixers; flour improvers; ginger; gluten; groundnut flour milk and milk products; honey; jellyfying agents; liquid glucose; malt products edible oil seeds; flour and meals; spices and condiments; edible starches such as potato starch and edible flour; sugar and sugar products; invert sugar; jaggery, protein concentrates and other nutrients; sodium bisulphite, sodium meta-bisulphite and other dough conditioners; vitamins, calcium and ferrous salts; potassium iodide, malic and lactic acids; tartaric acid; vinegar and acetic acid; yeast. Biscuits shall conform to the following standards, namely:—

(a) Ash insoluble in dilute hydrochloric acid (on dry basis) shall not be more than 0.1 per cent.

(b) Acidity of extracted fat (as oleic acid) shall not exceed 1.5 per cent";

(7) after item A.25 O2, the following item shall be inserted, namely:—

"A.25.O2 O1—Chewing gum and bubble gum shall be prepared from chewing gum base or bubble gum base, natural or synthetic, non-toxic, cane sugar and liquid glucose (corn syrup).

The following sources of gum base may be used:—

- (1) Babul, Kikar (Gum Arabic)
- (2) KHAIR
- (3) Jhingan (Jael)
- (4) Ghatti
- (5) Chiku (Sapota)
- (6) Natural rubber latex
- (7) Synthetic rubber latex
- (8) Glycerol ester of wood rosin
- (9) Glycerol ester of gum rosin
- (10) Synthetic resin
- (11) Glycerol ester of partially hydrogenated gum or wood rosin
- (12) Natural resin
- (13) Polyvinyl acetate
- (14) Agar (food grade)

It may also contain any of the following ingredients, namely :—

- (a) Glycerine ;
- (b) Malt ;
- (c) Milk Powder ;
- (d) Chocolate;
- (e) Coffee;
- (f) Gelatin, food grade;
- (g) Permitted Flavours;
- (h) Permitted Colours;
- (i) Permitted anti-oxidants;
- (j) Permitted Preservatives;
- (k) Permitted Emulsifiers;
- (l) Sorbitol ;
- (m) Lubricants, such as starch, talc, stearic acid, icing sugar, affini wax of liquid paraffins, food grade, or other food grade oil;
- (n) Water, potable;
- (o) Acidulants, food-grade;
- (p) Nutrients like vitamins, minerals, proteins;
- (q) Titanium dioxide, food-grade (Maximum 1 per cent by weight);
- (r) Calcium carbonate;
- (s) Magnesium carbonate;
- (t) Phosphated starch;

It shall be free from dirt, filth adulterants and harmful ingredients. It shall conform to the following standards, namely :—

Ingredients	Chewing gum	Bubble gum
(i) Gum	Not less than 12.5 per cent by weight.	Not less than 14.0 per cent by weight
(ii) Moisture	Not more than 3.5 per cent by weight	Not more than 3.5 per cent by weight.
(iii) Sulphated Ash	Not more than 9.5 per cent by weight.	Not more than 11.5 per cent by weight.
(iv) Acid insoluble ash	No more than 2.0 per cent by weight.	Not more than 3.5 per cent by weight
(v) Reducing sugars (calculated as dextrose)	Not less than 4.5 per cent by weight.	Not less than 5.5 per cent by weight.
(vi) Sucrose	Not more than 70.0 per cent by weight.	Not more than 60.00 per cent by weight.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 76, dated March 8, 1983.

MINISTRY OF HEALTH AND FAMILY WELFARE

G. S. R. 249(E).—*New Delhi, the 8th March, 1983.*—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) hereinafter referred as said Act with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G. S. R. 30 dated 23rd December, 1981 at pages 64-65 in the Gazette of India, Part II, Section 3, Sub-section (i) dated 9th January, 1982 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ninety days from the date on which the copies of the Official Gazette in which the said notification was published, were made available to the public;

And, whereas the copies of the said Gazette were made available to the public on 9th January, 1982;

And, whereas the objections and suggestions received from public on the draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government, after consultation with Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

1. These rules may be called the **Prevention of Food Adulteration (Second Amendment) Rules, 1983.**

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as said rules) :—

(i) After rule 61-B, the following shall be inserted, namely :—

“61-C—Use of Emulsifying and stabilizing agents in Fruit Products :—

The following emulsifying and stabilising agents may be added to fruit product :

1. Pectin
2. Sodium alginate
3. Calcium alginate
4. Alginic acid
5. Propylene glycol alginate.”

(ii) In appendix ‘B’ to the said rules in item No. A. 16.1, A. 16.02, A. 16.05, A. 16.04, A. 16.05, A. 16.06, A. 16.07, A. 16.09, A. 16.011, and A. 16.12, the following shall be added at the end, namely :—

“It may also contain permitted emulsifying and stabilising agents as prescribed in rule 61-C.”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 88, dated March 16, 1983.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 268 (E). *New Delhi, the 16th March, 1983.*—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) in the Gazette of India (Extraordinary), Part II, Section 3, Sub-section (i), dated the 15th May, 1982 under the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No G.S.R. 414 (E), dated the 15th May, 1982 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of sixty days from the date on which the copies of the Official Gazette in which the said notification was published, were made available to the public.

And whereas, the copies of the said Gazette were available to the public on the 15th May, 1982;

And whereas, the objections and suggestions received from the public on the said draft rules have been considered by the Central Government.

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 23 of the said Act, the Central Government after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely:—

1. (i) These rules may be called the **Prevention of Food Adulteration (Third Amendment) Rules, 1983.**

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 8 of the Prevention of Food Adulteration Rules, 1955:—

(a) in the first proviso, for the words, brackets and figures “Prevention of Food Adulteration (Amendment) Rules, 1977”, the following shall be substituted, namely:—

“Rule 3 of the Prevention of Food Adulteration (Fourth Amendment) Rules, 1976;”

(b) for the second proviso, the following shall be substituted, namely :—

“Provided further that a person who is a qualified Sanitary Inspector having experience as such for a minimum period of one year and has received at least three months training in whole or in parts in food inspection and sampling work, may be eligible for appointment as food inspector, upto the period ending on the 31st March, 1985 and may continue as such if so appointed even though he does not fulfill the qualifications laid down in clauses (a) to (c).”

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 102, dated March 26, 1983

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 283(E). *New Delhi the 26th March, 1983.*—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955 were published as required by Sub-section (1) of Section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), with the Notification of Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G.S.R. 156, dated the 30th January, 1982, published in the Gazette of India, Part II, Section 3, Sub-section (i) dated the 13th February, 1982 (at pages 463-466) inviting objections and suggestions from all the persons likely to be affected thereby on or after the expiry of ninety days from the date on which copies of the Gazette of India in which the said notification was published were made available to the public ;

And whereas, the copies of the said Gazette were made available to the public on the 13th February, 1982 and whereas the objections and suggestions received from the public on the draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 23 of the said Act the Central Government after consultation with the Central Committee for Food Standards, hereby makes the following rules, further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

RULES

1. (1) These rules may be called the **Prevention of Food Adulteration (Fourth Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette except rule 4 which shall come into force after a period of two years from the date of publication of the notification.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules) to rule 36, the following proviso shall be added, namely :—

“Provided that the height of the types used in the declaration having an area not greater than 25 square centimeters, shall not be less than 1.0 mm.”

3. To rule 37-A of the said rules, before the Explanation, the following proviso shall be added, namely :—

"Provided that the labels of artificial flavouring substances may not declare the chemical names of flavours under this rule. In case of natural flavouring substances or nature—identical flavouring substances, the common name of flavour shall be mentioned on the label."

4. After rule 48-B of the said rules, the following rule shall be inserted, namely :—

"48-C-Sale of Food Additives :—The following food additives permitted for use in certain foods shall be sold only under the Indian Standards Institution Certification marks, namely :—

1. Sulphuric acid (Food Grades)
2. Sodium propionate (Food Grade)
3. Calcium propionate (Food Grade)
4. Sorbic acid (Food Grade)
5. Potassium metabisulphite (Food Grade)
6. Sodium metabisulphite (Food Grade)
7. Sorbitol (Food Grade)
8. Benzoic acid (Food Grade)
9. Sodium benzoate (Food Grade)
10. Fumaric acid (Food Grade)
11. Sodium carboxymethyl cellulose (Food Grade)
12. Sodium alginate (Food Grade)
13. Agar Agar (Food Grade)
14. Alginic acid (Food Grade)
15. Calcium alginate (Food Grade)
16. Gelatin (Food Grade)
17. Ascorbic acid (Food Grade)
18. Butylated Hydroxy Toluence (B H T) (Food Grade)
19. Butylated Hydroxy Anisole (BHA) (Food Grade)
20. Caramel (Food Grade)
21. Annatto colour." (Food Grade)

5. In rule 59 of the said rules, after item 10 of the first proviso, the following item shall be inserted, namely :—

"Terriary butyl hydro quinone (TBHQ)—0.02 per cent."

6. After rule 62 of the said rules, the following rule shall be inserted, namely :—

"63-A. *Antifoaming agents in edible oils and fats* :—Dimethyl Polysiloxane, food grade, may be used as an antifoaming agent in edible oils and fats for deep fat frying upto a maximum limit of 10 parts per million."

Explanation :—For the purpose of this rule, "Anti foaming agent means substance which retards deteriorative changes and foaming height during heating."

7. In part XIII-Flavouring Agents :—

(i) Rule 63 to the said rules shall be renumbered as rule 63-A, and before rule 63-A as so renumbered, the following rule shall be inserted, namely :—

"63. *Flavouring agents*.—Flavouring agents include flavour substances, flavour extracts or flavour preparations, which are capable of imparting flavouring properties, namely taste or odour or both to food. Flavouring agents may be of following three types :—

(A) Natural Flavours and Natural Flavouring Substances :

“Natural flavours” and “Natural flavouring substances” are flavour preparations and single substance respectively, acceptable for human consumption, obtained exclusively by physical processes from vegetable, sometimes animal raw materials either in their natural state or processed, for human consumption.

(B) Nature Identical Flavouring Substances :—

Nature-identical flavouring substances are substances chemically isolated from aromatic raw materials or obtained synthetically; they are chemically identical to substances present in natural products intended for human consumption, either processed or not.

(C) Artificial Flavouring Substances:—

Artificial flavouring substances are those substances which have not been identified in natural products intended for human consumption either processed or not.”

8. After Part XIII of the said rules, the following Part shall be inserted, namely:—

“Part XIII A—Carry over of Food Additives

64.C. Carry over of Food Additives:—

(1) For the purpose of the standards specified in Appendix B, the “Carry Over” principle applied to the presence of additives such as colours, flavouring agents, anti-oxidants, anti-caking agents, emulsifying and stabilizing agents and preservative in food, as a result of the use of raw material or other ingredients in which these additives were used. The presence of contaminants is not covered by this purpose.

(2) The presence of an additive in food through the application of the carry over principle is admissible in general unless otherwise specifically prohibited in the rules or in Appendix B provided the total additive including the carry over through the raw material or other ingredients does not exceed the maximum amount so permitted.”

Published in the Gazette of India, Extraordinary, Part II Section 3,
Sub-section (i), No. 58, dated February 21, 1983

MINISTRY OF COMMUNICATION

G. S. R. 92(E).—*New Delhi, the 21st February, 1983*—In exercise of the powers conferred by Sections 7, 8, 9, 21, 28, 29, 34, 43 and 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely :—

1. (1) These rules may be called the **Indian Post Office (3rd Amendment) Rules, 1983.**

(2) They shall come into force on the 1st day of March, 1983.

2. In the Indian Post Office Rules, 1933 (hereinafter referred to as the said rules), in rule 1, for the heading “Book packets containing periodicals” and the entries thereunder, the following shall be substituted, namely:—

“Book packets containing periodicals

For the first one hundred grams or fraction thereof

25 paisa

For every additional fifty grams or fraction thereof,
in excess of one hundred grams. 30 paise"

3. For rule 74 of the said rules, the following rule shall be substituted, namely:—

"74. In addition to the postage and the fee for registration, the following further fees specified in the Schedule below shall be charged for insurance.

SCHEDULE

- (a) When the value insured does not exceed Rs. 100/- Rs. 2/-
- (b) When the value insured exceeds Rs. 100/- but does not exceed Rs. 5,000/- Rs. 2/- for the first Rs. 100/- or fraction thereof and Re. 1/- for every additional Rs. 100/- or fraction thereof.
- (c) When the value insured exceeds Rs. 5000/- but does not exceed Rs. 10,000/- For amounts upto Rs. 5,000/- the same as for item (b) above and Rs. 5/- for every Rs. 1000/- or fraction thereof in excess of Rs. 5,000/-."

4. In the Schedule of fees below to sub rule (2) of rule 96 of the said rules, the following shall be substituted, namely:—

"Amount specified for recovery from the addressee—	
Not exceeding Rs. 10/-	Re. 1.00
Exceeding Rs. 10/- but not exceeding Rs. 20/-	Rs. 2.00
Exceeding Rs. 20/-	Rs. 3.00"

5. In rule 180A of the said rules, for sub-rule (1A), the following sub-rule shall be substituted, namely:—

"(1A) A Commission shall be charged on the issue of the Indian Postal Orders of various denominations at the following rates, namely:—

Sl. No.	Denomination	Commission
1.	Upto Rs. 10/-	30 Paise
2.	Upto Rs. 20/-	60 Paise
3.	Upto Rs. 30/-	90 Paise
4.	Upto Rs. 40/-	Rs 1 20
5.	Upto Rs 50/-	Rs. 1.50
6	Upto Rs 100/-	Rs. 3.00."

6. In rule 194 of the said rules, under the heading "Embossed Envelopes", against the entry relating to "For each (Inland) envelope", for the figures and word "50 paise", the figures and words "50 paise plus 5 paise stationery charges"

Published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section (i), No. 53, dated February 16, 1983

MINISTRY OF LABOUR AND REHABILITATION

G.S.R. 87(E). *New Delhi, the 16th February, 1983.*—In exercise of the powers conferred by Section 6A, read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Family Pension Scheme, 1971, namely :—

1. (1) This Scheme may be called the **Employees' Family, Pension (Amendment) Scheme, 1983.**

(2) It shall come into force on the first day of January, 1983.

2 In the Family Pension Scheme, 1971 (hereinafter referred to as the Scheme), in paragraph 6,—

(i) in the second proviso, the words "in the manner specified in sub-paragraph (2) of paragraph 34A." shall be omitted ;

(ii) after the existing proviso, the following Explanation shall be inserted, namely :—

"*Explanation :* Under this paragraph the age of 60 shall be determined with reference to the date of birth where, however the exact date of birth is not given by the member, the age shall be determined in the following manner :

(1) where the year of birth is given but not the exact date, 1st July shall be treated as the date of birth ;

(2) where the year and month of birth are given, the 16th of the month shall be treated as the date of birth ; and

(3) where only the age is indicated the member shall be assumed to have completed that age on the date of the medical certificate accompanying in Form 2 and where no medical certificate is attached to Form 2 on the date of filing Form 2."

3. In Paragraph 28 of the Scheme,—

(i) in sub-paragraph (i)—

(a) the words and figures "at the age of 25 years or less" shall be omitted ;

(b) for the existing Table the following Table shall be substituted, namely :

"TABLE

Pay of the member per month on which contribution to the Family Pension Fund is payable.	Monthly rate of Family Pension:
1 Below Rs 400/—	30% of pay subject to a minimum of Rs. 60/— and a maximum of Rs. 120/—
2 Rs. 400/— and above	20% of pay subject to a minimum of Rs. 120/— and a maximum of Rs. 320/—."

(c) After Explanation 2, the following Explanation shall be inserted, namely :—

“Explanation (3) :—In the case of a piece-rate or a daily rated employee, who was a member of the Family Pension Fund, the rate of full pay last drawn by him during the period for which the contribution to the Family Pension Fund was recovered, shall be determined by taking into account his average earnings in the twelve months preceding that in which he died.” ;

(ii) in sub-paragraph (2),—

(a) in clause (a) for the figures and words “50 per cent of pay last drawn in full”, the figures and words “50 per cent of pay as determined for the purpose of sub-paragraph (1)” shall be substituted ;

(b) the following proviso shall be inserted, at the end, namely :—

“Provided that the Family Pension shall not be in any case be less than Rs. 60/- per month.” ;

(iii) sub-paragraph (3) shall be omitted ;

4. For paragraph 30 of the Scheme, the following paragraph shall be substituted, namely :—

30. Commencement of payment of Family Pension :—Family Pension shall become payable from the day immediately following that on which a member of the Family Pension Fund dies.”

5. In paragraph 31 of the Scheme,—

(i) in the opening paragraph, the words “Subject to the provisions of paragraph 34 of the Scheme”, shall be omitted ;

(ii) the provisos shall be omitted.

6. For paragraph 32 of the Scheme the following paragraph shall be substituted, namely :—

“32. Retirement-cum-withdrawal Benefits :

(1) On attaining the age of 60 years or on cessation of membership from the Family Pension Fund before attaining the age of 60 years for reasons other than death, the following benefit shall accrue to the member of the Family Pension Fund at the rates specified in the Table below subject to the condition that he has contributed to the Family Pension Fund for a period of not less than one year :—

TABLE

Number of full years contribution paid	Amount payable on attainment of age 60 or earlier withdrawal
(1)	(2)
1	110
2	150
3	195
4	245
5	300
6	355
7	415
8	480

(1)	(2)
9	550
10	625
11	710
12	795
13	890
14	990
15	1095
16	1215
17	1340
18	1475
19	1615
20	1775
21	1940
22	2120
23	2310
24	2520
25	2740
26	2980
27	3240
28	3515
29	3815
30	4135
31	4480
32	4850
33	5245
34	5675
35	6135
36	6630
37	7160
38	7730
39	8345
40	9000

Explanation I.—For determining the number of full years of contributions paid, the period of reckonable service on different spells, if any, under paragraph 6 of the Scheme shall be included.

Explanation II.—In arriving at the total period, fractions of a year below six months shall be ignored and 6 months and above shall be reckoned as full year.

(2) In the event of cessation of membership from the Family Fund before the completion of one year reckonable service the contribution of the member of the Family Pension Fund credited to the Family Pension Fund, together with interest thereon @7-1/2 percent per annum shall be refunded to him.

(3) Where a member of Family Pension Fund to whom any amount has become payable under sub-paragraph (1) or (2) as the case may be, dies before the amount has been actually paid to him, the amount shall be payable to a member of his family who would have been entitled

to receive Family Pension under Paragraph 29 and where the member has not left a family the amount shall be payable to the person or persons entitled to receive his Provident Fund accumulations, in the proportion in which the said accumulations may be payable under the provisions of the Employees' Provident Funds Scheme, 1952 or the Provident Fund rules applicable to the exempted establishments, as the case may be."

7. Paragraph 33, 34 and 34A of the Scheme shall be omitted.

8. In paragraph 34B of the Scheme for the words and Figures "the retirement benefit and the withdrawal benefit payable under paragraph 32 and 33 respectively", the words and figures "except in cases of cessation of membership on attaining the age of 60 years or where the period of break between two spells of reckonable service is in excess of one year, the retirement-cum-withdrawal benefit under paragraph 32", shall be substituted.

9. The Schedule appended to the Scheme shall be omitted.

EXPLANATORY MEMORANDUM TO THE NOTIFICATION

The Question of liberalisation of the existing benefits under the Employees' Family Pension Scheme, 1971 was under consideration of the Central Government and for this purpose, an actuarial Valuation of the Family Pension Fund was conducted by Controller of Insurance.

Controller of Insurance has since completed the actuarial Valuation and on the recommendations of the Controller of Insurance, the Central Government has decided to make the following changes in the Scheme from the 1st January, 1983 :—

1. To revise the rates of family pension mentioned in Table given in sub-paragraph (1) of paragraph 28.

2. To dispense with the entry age factor in the case of the family pension and the life assurance benefit,

3. The withdrawal and retirement benefit would depend on the number of years for which contributions are paid to Family Pension Fund and would be as given in the New Table.

It is confirmed that nobody's interest will be adversely affected.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 21, dated January 17, 1983.

MINISTRY OF LABOUR AND REHABILITATION

G.S.R. 30 (E) *New Delhi, the 17th January, 1983.*—Whereas certain draft rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, were published as required by sub-section (1) of Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), at pages 2787—2791 of the Gazette of India, in Part II, Section 3, Sub section (i) dated the 26th December, 1981, under the notification of the Ministry of Labour No GSR 1165 dated the 10th December, 1981, inviting objections and suggestions from all persons likely to be affected thereby on or before the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette ;

And whereas, the said Gazette was made available to the public on the 26th December, 1981 ;

And whereas the objections and suggestions received from the public on the said draft have been duly considered.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 15 read with clauses (a) and (b) of sub-section (2) of the aforesaid section of the said Act, the Central Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, namely :—

1. These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1983.

"2. In the Industrial Employment (Standing Orders) Central Rules, 1946 :—

(i) for rule 2A and the entries thereunder, the following rule and entries shall be substituted, namely :—

2A. In the Schedule to the Act, after item 10, the following additional matters shall be inserted, namely :—

"10A. Additional matters to be provided in Standing Orders relating to all industrial establishments in coal mines :—

- (1) Medical aid in case of accident ;
- (2) Railway travel facilities ;
- (3) Method of filling vacancies ;
- (4) Transfers ;
- (5) Liability of manager of the establishment of mine.
- (6) Service certificate ;
- (7) Exhibitional and supply of Standing Orders "

"10B. Additional matters to be provided in the Standing Orders relating to all industrial establishments,—

(1) Service Record—matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age ;

- (2) Confirmation ;
- (3) Age of retirement ;
- (4) Transfer ;
- (5) Medical aid in case of accidents ;
- (6) Medical examination ;
- (7) Secrecy ;
- (8) Exclusive Service."

(ii) after Schedule 1A, the following Schedule shall be inserted as Schedule 1B, namely :—

"SCHEDULE 1B

MODEL STANDING ORDERS ON ADDITIONAL ITEMS APPLICABLE TO ALL INDUSTRIES.

(1) SERVICE RECORD

Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age.

(i) Service Card.—Every industrial establishment shall maintain a service card in respect of each workman in the form appended to these orders, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf together with date.

(ii) **Certification of service.**—(a) Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years), at the time of discharge, termination, retirement or resignation from service ;

(b) The existing entries in para 16 of Schedule 1 and para 20 of the Schedule 1A shall be omitted.

(iii) **Residential address of workman**—A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to his employer any change of his residential address. In case the workman has not communicated to his employer the change in his residential address, his last known address shall be treated by the employer as his residential address for sending any communication.

(iv) **Record of age.**—(a) Every workman shall indicate his exact date of birth to the employer or the officer authorised by him in this behalf, at the time of entering service of the establishment. The employer or the officer authorised by him in this behalf may before the date of birth of a workman is entered in his service card, require him to supply:—

(i) his matriculation or school leaving certificate granted by the Board or Secondary Education or similar educational authority; or

(ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;

(iii) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf may require the workman to supply, a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer.

(iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the workman or his parents, or by a near relative, who is in a position to know about the workman's actual or approximate date of birth, before a First Class Magistrate or Oath Commissioner, as evidence in support of the date of birth given by him.

(b) The date of birth of a workman, once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording date of birth shall be finalised within three months of the appointment of a workman.

(c) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not be reopened under these provisions.

NOTE:—Whereas exact date of birth is not available and the year of birth is only established then the 1st July of the said year shall be taken as the date of birth.

(2) CONFIRMATION

The employer shall in accordance with the terms and conditions stipulated in the letter of appointment, confirm the eligible workman and issue a letter of confirmation to him. Whenever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days from the date of such confirmation.

(3) AGE OF RETIREMENT

The age of retirement or superannuation of a workman shall be as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where there is no such agreed age, retirement or superannuation shall be on completion of 60 years of age by the workman.

(4) TRANSFER

A workman may be transferred according to exigencies of work from one shop or department to another or from one station to another or from one establishment to another under the same employer:

Provided further that a workman is transferred from one job to another, which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the workman or where there is a specific provision to that effect in the letter of appointment, and provided also that (i) reasonable notice is given to such workman, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid travelling allowance including the transport charges, and fifty per cent thereof to meet incidental charges.

(5) MEDICAL AID IN CASE OF ACCIDENTS

Wherever the recruitment rules specify medical examination or arising out of his employment, the employer shall, at the employer's expense, make satisfactory arrangement for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending on him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948 or the workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation.

(6) MEDICAL EXAMINATION

Wherever the recruitment rules specify medical examination of a workman on his first appointment, the employer shall, at the employers expense, make arrangements for the medical examination by a registered medical practitioner.

(7) SECRECY

No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secre-

ts and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.

(8) EXCLUSIVE SERVICE

A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer."

(iii) In Schedule II, after Form IV the following Form shall be added, namely :—

"FORM V

(See Standing Order 1, Schedule I-B)
SERVICE CARD

Name of Estt./Factory/
Ticket/Token No.

1. Register Serial No.
2. Name
3. Speciman Signature/Thumb Impression
4. Father's or Husband's name
5. Sex
6. Religion
7. Date of Birth
8. Place of Birth
9. Date of Joining
10. Details of Medical certificate at the time of joining
11. Educational and other qualifications
12. Can Read
13. Can Write
14. Can Speak
15. Height
16. Identification Marks
17. Category of Workman
18. Department
19. Details of family members
20. Permanent Address
21. Local Address
22. Quarter No.
23. Life Insurance Policy No.
24. Provident Fund Account No.
25. Nominee for Gratuity
26. Nominee for pension, if any
27. Employees State Insurance No.
28. Training courses attended (details)
29. (Eligibility for higher jobs
30. Proficiency tests passed
31. Employment History

31. Employment History

Department	Token No.	Designation	Scale of Pay	Joined	Left Reason
1	2	3	4	5	6

32. ABSENCE PERIOD

From	To	Reason	Medical reports regarding suitability for continued employment.
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- (i) Sick Leave.
- (ii) Earned Leave.
- (iii) Any other leave.
- 33. Maternity Benefit.
- 34. Workmen's Compensation.
- 35. Details of Disciplinary Action.
- 36. Promotions
- (i) Details
- (ii) Awards
- (iii) Issue of Certificate of commendation.
- 37. Date of superannuation.
- 38. Any other matter."

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 36, dated January 25, 1983
MINISTRY OF COMMERCE

S.O 47(E)—New Delhi, the 25th January, 1983—In exercise of the powers conferred by sub sections (3) and (5) of section 30 of the Tea Act, 1953 (29 of 1953), Central Government hereby makes the following amendments to the Tea Warehouses (Licensing) Order, 1980, namely :—

In the said Order,

1 In clause 2, for sub-clause (h), the following shall be substituted namely :—

"Warehouses" means a covered shed or godown wherein storing, blending or packaging is done ;"

2. In paragraph 3, for the proviso, the following proviso shall be substituted namely :—

"Provided that no licence shall be required in respect of,—

(a) Warehouses measuring less than four hundred square metres where storing, blending or packing of tea is done exclusively for sale in the domestic market ;

(b) Warehouses belonging to any Port Trust Authority established under any laws for the time being in force ;

(c) factories manufacturing tea from green leaf."

3. After clause 6, the following clause shall inserted as clause 6A, namely :—

"6A. Amendment of Licence :

The Licensing Authority may, of its own accord or on application by the licensee, amend any licence granted under this Order in such manner as may be necessary to make such licence conform to the provision of the Act or other provisions of this Order or any other law for the time being in force or to rectify any errors or omissions in the licence :

Provided that when an application by the licensee for amendment of the licence is not granted or where the Licensing Authority is of opinion that the proposed amendment will be prejudicial to the interest of the licensee, the licensee shall be given reasonable opportunity of being heard before action under this clause is taken "

4 In clause 9, in sub-clause (8) :—

- (a) the words "before granting licence" shall be omitted ;
- (b) for the words "is to be granted" the words "is to be/has been granted" shall be substituted ;

5. In clause 10, after sub-clause (3), the following new sub-rule shall be inserted, namely :—

"(4) where a licence is suspended under sub-clause (1), the Licensing Authority or any officer of the Tea Board authorized in this behalf by the Licensing Authority may enter the licensed warehouse and seal the stocks of tea or tea product stored therein.

(5) A licensee whose license has been suspended shall forthwith stop the activities of storing, blending or packaging of tea in the concerned warehouse during the period of suspension of the licence

(6) Where,

(a) the order of suspension is revoked, the stocks of tea/products sealed under sub-clause (4) shall be restored to the licensee or,

(b) the licence has been cancelled, the sealed stocks of tea/tea products shall be restored to the warehouse owner with advice to clear the warehouse of the said stocks within such period as may be fixed in this behalf by the Licensing Authority "

6. In clause 14, after sub-clause (3), the following sub-clause shall be inserted as sub-clause (4), namely:—

"(4) where the Licensing Authority or any officer of the Tea Board seizes any tea or product of tea under sub-clause (1) and decides to keep the same in safe custody of the owner of the warehouse, such authority or officer shall, after sealing the stock, make an order to that effect in form 'C' and serve the same on the owner and the owner shall comply with such order."

7. After clause 14, and before Form 'A' the following paragraph shall be inserted as clause 15, namely:—

"15. Breach of conditions of licence to be deemed contravention of this Order. If any licensee commits any breach of any of the terms and conditions of the licence he shall be deemed to have contravened the provisions of Order."

8. For Form 'A', the following Form shall be substituted namely:

"FORM 'A'

(See clause 4)

Application for licence under Clause 3 of the Tea Warehouses
(Licensing) Order, 1980.,

ORIGINAL*
DUPLICATE

To

The Licensing Authority,
Tea Board,
14, B.T.M. Sarani (Brabourne Road),
Calcutta-1.

Sir,

I/We* apply for licence for carrying on the activities of storing/
blending/packaging of tea.

I/We* furnish the necessary particulars below:—

(1) Name of the Applicant (in block letters)

.....
(In case of partnership firm, the names of all partners should be
given).

(2) Full address (to which correspondence should be sent.

.....
(3) Full address of the warehouse where the applicant intends to
do storing/blending/packaging of tea.

.....
(4) Floor area of the warehouse.....

(5) Number and category of workers/labour engaged directly

.....
(6) Number and category of workers/labour engaged through
Labour Contractor.....

.....
(7) Whether the warehouse owner holds the warehouse on his
own account or on lease or on permission from the owner.....

.....
(8) Nature of business (storing/blending/packeting etc.) to be
carried out in the warehouse.....

.....
(9) Whether the operations stated at (8) above are carried out on
his own account or on behalf of other person, and if so, furnish the
name and address of the Principal (s).

.....
(10) Amount of fee paid.....

2 I/We have carefully read and understood the Tea Warehouses
(Licensing) Order, 1980, and hereby agree to abide by the provisions of
the said Order.

Yours faithfully
Signature of the Applicant.

Place.....

Date.....

(*score out the words not applicable)

NOTE 1:—This application should be signed, in the case of companies by a Director or Secretaries or an authorised agent and in the case of partnership concerns by one of the authorised partners, and in the case of individuals the words 'Sole Proprietor' should be appended after signature.

Note 2:—The application should be sent to the Licensing Authority in duplicate."

9. For Form 'B' the following Form shall be substituted, namely:—

"FORM 'B'
(See clause 5)
TEA BOARD

Licence for carrying on the activities of Storing Blending/Packaging of Tea.

(Not Transferable)

Issued under clause 5 of the Tea Warehouses (Licensing) Order, 1980.

14, Brabourne Road
(B.T.M. Sarani)
Calcutta-1.

Dated :
Licence No.....

Shri/Sarvshri*
of.....
is/are* hereby authorised to carry on the business of storing/blending/
packaging of tea as a Licensee in terms of the Tea Warehouse (Licensing)
Order, 1980.

This licence is valid upto and including 31st December, 19.....
unless cancelled or suspended before that date/under clause 10 of the
Tea Warehouse (Licensing) Order, 1980.

This license is valid for the warehouse and space mentioned below:—
Warehouse Address

Floor Area
Chairman,
Tea Board,
Licensing Authority.

* score out the words not applicable

10. After Form 'B' as substituted the following Form shall be
added as Form 'C' namely:—

FORM 'C'
(See clause 14 (4))
TEA BOARD

Whereas it appears to me that you have been in contravention of
clause.....of
the Tea Warehouse (Licensing) Order, 1980, carrying on the activities of
storing/blending/packaging of tea in premises No.....

Now, therefore, I seize the tea/tea product and hereby direct you to
keep in your safe custody the said sealed stock of about.....
Kilos/chests/bags subject to such order as may subsequently be issued
in relaxation thereto. The Board do not hold themselves liable for any

claim for rent or any other charges or for any loss you may sustain for tea seized and handed over to you for safe custody.

Place.....

Date.....

Signature.....

Designation.....

Witness

1.....
(Name)

.....
(Address)

.....
(Signature)

2.....
(Name)

.....
(Address)

.....
(Signature)

Received the original of the above, I have read the contents and agree to abide by it."

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 69, dated February 9, 1983

MINISTRY OF COMMERCE

S. O. 107 (E)/E (C) O. 1977/AM (257). *New Delhi, the 9th February, 1983.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the Exports (Control) Fourth Amendment Order, 1983

2. In the Exports (Control) Order, 1977,

(a) In part 'A' Schedule I, the existing entry appearing against Sl. No. 43 shall be deleted.

(b) In Part 'B' Schedule I the existing at Sl. No. 69 shall be substituted by the following entry :

"Cotton Yarn of all types in all counts as well as Tyre Cord Yarn."

(c) In OGL, 3, the existing entry against Sl. No. 51 shall be substituted by the following :—

Sl. No.	Item	Sl. No as in Part 'B' of Schedule I.	Conditions to be fulfilled/ documents to be produced.
1.	2.	3.	4.
51	Cotton Yarn of all types in all counts	B.69	Against certification made by the Cotton Textiles Export Pro-

1.	2.	3.	4.
	as well as Tyre Cord Yarn.		motion Council, Bombay in respect of contracts registered with them for counts upto 60s. For counts above 60s, exports will be allowed freely in accordance with the Trade Notice issued by the Cotton Textiles Export Promotion Council, Bompay and exporters will furnish statistics of exports to the Council within 7 days from the date of shipment. In respect of exports to EEC Member States and USA necessary announcement about export entitlement will be made by the above Council.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 96, dated February 28, 1983.

MINISTRY OF INDUSTRY

S.O. 148(E). *New Delhi, the 28th February, 1983.*—In exercise of the powers conferred by sub-section (i) read with clause (a) of sub-section (2) of section 30 of the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings), Act, 1981 (31 of 1981), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These Rules may be called the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) (Intimation regarding Mortgage, Charge, Lien or other interest in any property) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires.

(a) “Act” means the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Act, 1981 (31 of 1981);

(b) all other words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in that Act.

3. *Time-limit for intimation*—Every mortgagee of any property which has vested under the Act in the Central Govt. or in a Government Company, as the case may be, and every person holding any charge, lien or other interest in, or in relation to, any such property shall give intimation of such mortgage, charge, lien or other interest to the Commissioner within a period of thirty days from such date, as may be specified by the Central Government under section 17:

Provided that if the Commissioner is satisfied that the mortgagee or the person holding any charge, lien or other interest was prevented by

sufficient cause from giving the intimation within the said period of thirty days, he may, after recording reasons in writing receive the intimation within a further period of thirty days and not thereafter.

4. *Manner of intimation.*—(1) Every intimation to be given to the Commissioner under rule 3 shall be in writing addressed to the Commissioner, and shall contain the following particulars, namely :—

(a) Name, description and full addresses of the mortgagee or the person holding charge, lien or other interest in, or in relation to any such property ;

(b) name of the undertaking in respect of which the claim is made;

(c) amount due under the mortgage, charge, lien or other interest (in Indian currency) ;

(d) particulars of the instrument, if any, by which the mortgage, charge, lien or other interest is secured, supported by an attested copy of the instrument ;

(e) amount, if any, already received, with particulars ;

(f) any other particulars relevant to the claim ;

(g) relief claimed.

(2) Every intimation shall be duly signed and verified by the mortgagee, or the person holding the charge, lien or other interest or by a person duly authorised by him.

(3) Intimation may be filed in the Office of the Commissioner at 10, Darya Ganj, New Delhi-110002 on all working days during office hours or may be sent to the Office of the Commissioner by registered post, with acknowledgment due.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), No. 19, dated January 17, 1983.

MINISTRY OF COMMERCE

S.O. 19 (E) No. E(C)O, 1977/AM 9255).—*New Delhi the January, 1983.*—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the Exports (Control) Second Amendment Order, 1983.

2. In the Exports (Control) Order, 1977,

(a) Clause 3 A shall be deleted,

(b) In Part 'B' Schedule I the existing sub-entries (v) to (xv) against Sl. 70 shall be deleted and shall be substituted by the following :—

(vi) Export to U.S.A. of Textiles made from cotton, wool and man-made fibres (excluding jute, silk and flax) under the Indo-U.S. Textile Agreement.

(vii) Export to Austria of certain cotton textiles and textile products under Memorandum of Understanding between India and Austria.

(viii) Deleted.

(ix) Export of certain textile product of cotton wool and man-made fibres or blends thereof to Sweden under the Indo-Swedish Textile Agreement.

(x) Export of textile products of cotton and man-made fibres to Finland under the Memorandum of Understanding between India and Finland.

(xi) Deleted.

(xii) Export to Cotonou, Lome and Accra (Ghana) of Real Madras Handkerchief (RMHK).

(xiii) Export of certain textile products of cotton, wool and man-made fibres and blends, thereof to Canada under the Memorandum of Understanding between India and Canada.

(xiv) Garments and knitwear of all types exported to countries not covered by bilateral Textile Agreements and items not subject to the provisions of the bilateral Agreements in the case of countries with which India has such agreements.

(xv) Fabrics and made-ups exported to countries covered by bilateral Textile Agreements, and fabrics and made-ups not subject to the provisions of the bilateral Agreements in the case of countries with which India has such agreements."

, (c) 'in OGL 3, the existing entries against Sl. Nos 55 to 62B shall be deleted and the following shall be substituted :—

Sl. No.	Item	Sl. No. as in Part 'B' of Schedule I	Conditions to be fulfilled/ documents to be produced
1	2	3	4
55	Export to EEC Member-States of Textiles and Textile products made from cotton, wool and man-made fibres (excluding jute, silk and flax) under the Indo-EEC Textile Agreement	B: 70(v)	(i) Against allocation of export entitlement by : (a) The Cotton Textiles Export Promotion Council for fabrics and made-ups (excluding woollen fabrics and made-ups). (b) The Apparels Export Promotion Council for garments and knitwears (excluding woollen knitwear). (c) The Wool and Woollen Export Promotion Council for woollen fabrics, made-ups and woollen knitwear (but excluding woollen garments) Necessary certification on shipping bills will however, be made by the Cotton Textiles Export Promotions

1	2	3	4
			Council for all fabrics and made-ups (including woollen fabrics and made-ups), and in respect of all garments and knitwear (including woollen garments and knitwear) such certification will be made by the Apparels Export Promotion Council. (ii) In the matter of allocation of export entitlement, the Export Promotion Councils will observe the guidelines issued by the Ministry of Commerce and will make efforts to ensure reasonable realisation through floor price mechanism. (iii) Handloom fabrics of the cottage industry, handmade cottage industry products made of such handloom fabrics (other than garments) and traditional folklore handicraft textile products (India items) are not subject to quantitative restraints. In the case of exports of handloom garments, certification by the Textile Committee as to the handloom origin of the goods will also be required. In the case of exports of all handloom fabrics/made-ups corresponding to restrained items, an "Inspection Endorsement" by the Textile Committee in Part-2 of the Combination Form will be required. In respect of "India Items" appropriate certified issued by the Office of the Development Commissioner (Handicrafts) or the Textile Committee will be required.
56	Export to USA of Textiles made from cotton,	B-70 (vi)	(i) Against allocation of export entitlement by :

1	2	3	4
wool and manmade fibres (excluding jute, silk and flax) under the Indo-US Textile Agreement.		(a) The Cotton Textiles Export Promotion Council for fabrics and made-up (excluding woollen fabrics and made-ups);	
		(b) The Apparels Export Promotions Council for garment and knitwear (excluding woollen knitwear);	
		(c) The Wool and Woollens Export Promotions Council for woollen fabrics made-ups and woollen knitwear (but excluding woollen garments).	
		Necessary certification on shipping bills will, however, be made by the Cotton Textiles Export Promotion Council for Woollen fabrics and made-ups, and in respect of woollen knitwear, such certification will be made by the Apparels Export Promotion Council.	
		(ii) In the matter of allocation of export entitlement, Export Promotion Councils will observe the guidelines issued by the Ministry of Commerce and will make efforts to ensure reasonable realisation through floor price mechanism.	
		(iii) Handloom fabrics of the cottage industry, handmade cottage industry products made of such fabrics (other than garments) and traditional folklore handicraft textiles products of the cottage industry (India Items are not subject to quantitative restraints. In the case of exports of handloom garments certification by the Textile Committee as to the handloom origin of the goods will also be required.	

1	2	3	4
			In so far as exports of all handloom fabrics/made up corresponding to restrained items are concerned an "Inspection Endorsement" by the Textile Committee in Part-2 of the Combination Form will be required. In respect of 'India Items' appropriate certificate issued by the Office of the development Commissioner (Handicrafts) of the Textile Committee will be required.
57.	Export to Austria of certain cotton textiles and textile products under the Memorandum of Understanding between India and Austria	B-70 (vii)	(i) Against allocation of export entitlement by : (a) The Cotton Textiles Export Promotion Council for fabrics and made-ups; and (b) The Apparels Export Promotion Council for garments and knitwears, by certification on shipping bill. (ii) Handloom Fabrics of the cottage industry, handmade cotton Textile products made of such handloom fabrics and traditional folklore handicraft textile products (known as "India Items") are not subject to quantitative restraints. For exports of cotton handloom products an "Inspection endorsement" by the Textile Committee in Part-2 of the Combination Form will be required. In respect of "India Items" appropriate Certificate issued by the Office of the Development Commissioner (Handicrafts) or the Textile Committee will be required.
58	Export of certain textile Products of cotton, wool and man-made fibre or blends thereof to Sweden under Indo-Swedish Agreement.	B-70 (ix)	(i) Against allocation of export entitlement by : (a) The Cotton Textiles Export Promotion Council for made-ups (excluding woollen made-ups) ;

1	2	3	4
			(b) The Apparels Export promotion Council for garments and knitwear (excluding woollen knitwear); and (c) The Wool and Woollen Export Promotion Council for woollen made ups and Woollen Knitwear. Necessary Certification on shipping bills will, however, be made by the Cotton Textiles Export Promotion Council for all made-ups (including woollen made-ups) and by the Apparels Export Promotion Council for all garments and knitwear (including woollen garments and knitwear). (ii) For export of handloom made-ups and garments subject to restraint, certification as to handloom origin by the Textile Committee will also be required.
59	Export of Textile Products cotton and man-made fibres to Finland under the Memorandum of Understanding between India and Finland.	B.70 (x)	(i) Against allocation of export entitlement by :— (a) The Apparels Export Promotion Council for garments and and knitwear ; and (b) The Wool & Woollen Export Promotion Council for Woollen socks. Necessary certification on shipping bills will, however, be made by the Apparels Export Promotion Council for all garments or knitwear products. (ii) Handloom fabrics of the cottage industry products made of such handloom fabrics (other than blouses and shirts) and traditional folklore Handicrafts textile products ('India Items') are not subject to quantitative restraints. In the case of Handloom blouses and shirts the Certificate issued by

1	2	3	4
			the textile Committee regarding the Handloom origin of the goods will also be required. In the case of textile products falling under 'India Items' a Certificate by the Textile Committee or the office of the Development Commissioner (Handicrafts) will be required.
60	Deleted.		
61	Export of certain Textile Products of Cotton, Wool and man-made Fibres and blends thereof to Canada under the Memorandum of Understanding between India and Canada	B. 70 (xiii)	(i) Against allocation of export entitlement by : (a) The Cotton Textiles Export Promotions Council for fabrics and made-ups (including woollen fabrics and made-ups) ; (b) The Apparels Exports Promotion Council for garments and knitwear (excluding woollen knitwear); and (c) The Wool and Woollens Export Promotion Council for woollen fabrics and made-ups and woollen knitwear (but excluding woollen garments). Necessary certification on shipping bills will, however, be made by the Cotton Textile Export Promotion Council for all fabrics and made-ups), and in respect of garments and knittwears such certification will be made by the Apparels Export Promotion Council. (ii) Handloom fabrics of the cottage industry, handmade clothing and textile products made of such handloom fabric and tradition folklore handicraft textile products (known as "India Items") are not subject to quantitative

1	2	3	4
			restraints. In the case of export of all handloom fabrics and made-ups and garments corresponding to restrained items, "Inspection Endorsement" by the Textile Committee on Part 2 of the Combination Form will be required. In respect of "India Items" appropriate Certificate issued by the office of the Development Commissioner (Handicrafts) for the Textiles Committee will be required.
62(A)	Garments and knitwear of all types exported to countries not covered by bilateral textile agreements, and items not subject to the provisions of the bilateral agreements in the case of countries with which India has such agreements.	B.70 (xiv)	Export will be allowed to all permissible destinations by certification on shipping bills by the Apparels Export Promotion Council.
62(B)	Fabrics and made-ups exported to countries not covered by bilateral textile agreements, and fabrics and made-ups not subject to the provisions of the bilateral agreements in the case of countries with which India has such agreements.	B.70 (xv)	Export will be allowed to all permissible destination on shipping bill by the cotton Textiles Export Promotion Council.

Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), No. 75, dated March 2, 1983.

MINISTRY OF INDUSTRY

G.S.R. 248(E). *New Delhi, the 2nd March, 1983.*—Whereas, a draft of the Explosive Rules, 1981 was published as required by sub-section (1) of section 18 of the Explosives Act, 1884 (4 of 1884), with the Notification of the Government of India in Ministry of Industry (Department of Industrial Development) No. G.S.R. 305 (E), dated the 23rd April, 1981, at pages 699-826/31 of the Gazette of India, Extraordinary, Part-II Section 3-Sub-section (i), dated the 23rd April, 1981, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 45 days on which the copies of the Official Gazette in which the Notification was published were made available to the public;

And, whereas, the copies of the said Official Gazette were made available to the public on the 29th October, 1981;

And, whereas, the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 5 and 7 of the Explosives Act, 1884 (4 of 1884), the Central Government hereby makes the following rules, namely :—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the **Explosives Rules, 1983**.

(2) They shall come into force on the date of their publication in the Official Gazette.

(omitted)

Published in the Gazette of India, Extraordinary, Part II, Section 3,

Sub-section (i), No. 116, dated March 31, 1983.

MINISTRY OF FOOD & CIVIL SUPPLIES

G.S.R- 303 (E). *New Delhi, the 31st March, 1983.*—In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976, the Central Government hereby makes the following rules further to amend the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, namely :—

1. (1) These rules may be called the **Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1983**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977,—

(i) in rule 2, in clause (s),—

(a) for sub-clause (i), the following shall be substituted, namely:—

“(i) Price inclusive of freight but exclusive of local taxes, and where such price is mentioned on the package, there shall be printed on the package the words “Max. price.....local taxes extra”;;

(b) after sub-clause (ii), the existing Explanation shall be numbered as “Explanation I”, and after Explanation I, as so numbered, the following shall be inserted, namely:—

“*Explanation II.*—For the purposes of sub-clause (ii), “local taxes” include—

(i) Sales Tax,

(ii) Octroi, and

(iii) Central Sales Tax,

Where leviable and actually paid by the retail dealer under any law in force in a particular area.”;

(ii) in rule 6, in sub-rule (1), in proviso (A), after clause (ii), the following shall be inserted, namely:—

“(iia) liquid milk in pouches”;

(iii) in rule 23, after sub-rule (2), the following Explanation shall be inserted, namely:—

“*Explanation*—For the removal of doubts, it is hereby declared that a sale, distribution or delivery by a wholesale dealer to a retail dealer or other person is a ‘retail sale’ within the meaning of this sub-rule.”;

(iv) for the Third Schedule, the following shall be substituted, namely :—

“THE THIRD SCHEDULE

(see Rule 5)

COMMODITIES TO BE PACKED IN SPECIFIED QUANTITIES

1 The following commodities shall be packed only in such quantities by weight, measure or number as are specified in the corresponding entries against them

Sl. No.	Commodities	Quantities in which to be packed
1	2	3
1.	Baby food including weaning food	200g, 400g, 500g, 1 KG, 2kg, 5kg, and 10kg.
2.	Biscuits	(i) Canteen packs : 25g and 30g. (ii) Exclusive Wrap pack : 50g, 60g, 70g, 80g, 90g, 100g, and 110g (iii) Air tight cartons : 100g, 120g, 140g, 150g, 160g, 170g, 180g, 190g, 200g, 210g, 220g, 230g, (iv) Fancy tins and drums: No restriction but endeavour shall be made to pack in multiples of 10g 100g, 200g, 400g, 800g, 1200g
3.	Bread including Brown bread but excluding bun.	
4.	Butter, Cheese and allied products	25g, 50g, 100g, 200g, 250, 400g, 500g, 1kg, 2kg, 5kg, and there after in multiples of 5kg.
5.	Cereals and pulses	100g, 200g, 500g, 1kg, 2kg, 5kg, and thereafter in multiples of 5kg.
6.	Cereal products	50g, 100g, 200g, 400g 500g, 1kg, 2kg, and thereafter in multiples of 5kg. Besides the quantities aforesaid, quick cooking oats may also be packed in 800g
7.	Cigaretts, Cigars and the like.	5, 10, 20, 50 and thereafter in multiples of 50, Besides the quantities aforesaid, packages containing cigars or cheroots may contain 25.
8.	Cleaning and sanitary fluids	50ml, 100ml, 200ml, 500ml, 1 litre and thereafter in multiples of 1 litre.

- | | |
|---|---|
| 9. Cleaning powders | 50g, 100g, 200g, 500g, 1kg, 1.5kg and thereafter in multiples of 500g. |
| 10. Condensed Mills | 200g, 400g, 1kg, and thereafter in multiples of 1kg. |
| 11. Coffee, cocoa and other material which may be reconstituted as beverages. | 25g, 50g, 100g, 200g, 500g, 1kg and thereafter in multiples of 1kg. |
| 11A. Tea. | 25g, 50g, 100g, 200g, 250g, 500g, 1kg and thereafter in multiples of 1kg. |
| 12. Cooking oils, Vanaspati, ghee, margarine. | 100g, 200g, 500g, 1kg, 2kg, 4+kg, 5kg, and thereafter in multiples of 5kg (15.5+kg for refined edible oils, 16.0+kg for other edible oils, 16.5+kg for vanaspati and 17.+kg for pure ghee). |
| 13. Cosmetics and perfumes including all creams except dental and shaving. | 25g, 30g, 35g, 40g, 45g, 50g, 60g, 70g, 80g, 90g, 100g, 120g, 140g, 160g, 180g, 200g, and thereafter in multiples of 100g.
If net quantity is declared by volume the same number in millilitres or litres, as the case may be. |
| 14. Hair oils (perfumed) | 50ml, 75ml, 100 ml, 200ml, 300ml, 400ml, 500ml, 1 litre and thereafter in multiples of 1 litre. |
| 15. Hair oils (unperfumed) | 100g, 200g, 500g, 1 kg, 2kg, 5kg, and thereafter in multiples of 5kg.
If net quantity is declared by volume the same under in millilitres or litres as the case may be. |
| 15A. Honey | 25g, 50g, 100g, 200g, 500g, 1kg, 2kg, 5kg, and thereafter in multiples of 5kg. |
| 16. Ice cream (in bricks) | 50g, 100g, 250g, 500g, 1kg and thereafter in multiples of 1kg. If the net quantity is declared by volume, the same number in millilitres or litres, as the case may be. |
| 17. Ice cream (in cups) | 25g and thereafter in multiples of 25g. If the net quantity is declared by volume, the same number in millilitres or litres, as the case may be. |
| 18. Jams, sauces, ketchup and the like. | |
| (a) Ketchup, sauces and the like. | 50g, 100g, 200g, 500g, 700g, and 1 kg. |

- (b) jams, marmalades and jellies in open tops sanitary containers. 500g, 1050g, and 4kg.
- (c) jams, marmalades and jellies in bottles. 25g, 100g, 200g, 500g, and 1kg
- (d) squashes, syrups and crushes 700ml and 1 litre.
- (e) fruit juices and vegetable juices in open top sanitary containers. 165ml, 240ml, 425ml, and 800ml.
- (f) fruit juices and vegetable juices in bottles. 200ml, 500ml, 700ml, and 1 litre.
- (g) ready to serve beverages 200ml, 500ml, 700ml, and 1 litre.
- 19. Milk-liquid sweetened, unsweetened, flavoured 50ml, 100ml, 200ml, 500ml, 1 litre, 2 litres, 5 litres and thereafter in multiples of 5 litres.
- 20. Milk powder. 100g, 200g, 500g, 1kg. and thereafter in multiples of 500g.
- 21. Match sticks in boxes. 10, 20, 50, 60 and 100 and thereafter in multiples of 50.
- 22. Non-sapy detergents 40g, 50g, 100g, 200g, 500g, 700g, 1 kg, 1.5kg and thereafter in multiples of 1kg:
- 23. Nuts, bolts, nails, screws nails, screws and the like (in boxes). 5, 10, 20, 50, 100, 200, 500, 1000 and thereafter in multiples of 1000.
- 24. Rassogulla, gulabjamun and other sweets, if sold by number. 5, 10, 20, 30, 40, 50, 100 and thereafter in multiples of 50.
- 25. Rice (powdered), flour, atta, rawa, Sjai. 100g, 200g, 500g, 1kg, 2kg, 5kg, and thereafter in multiples of 5kg.
- 26. Salt 50g, 100g, 200g, 500g, 1kg, 2kg, 5kg, and thereafter in multiples of 5kg.
- 27. Shaving blades. 1, 2, 3, 5, 10 and thereafter in multiple of 10.
- 28. Shaving cream : 30g, 50g, 70g, 100g, 125g, 150g, and thereafter in multiples of 50g
- 29. Soaps
 - (a) Laundry soap. 50g, 75g, 100 and thereafter in multiples of 100g
 - (b) non-soapy detergent cakes/bars. 50g, 75g, 100g, 125g, 150g, 250g, 300g, and thereafter in multiples of 100g
 - (c) Toilet Soap cakes. 25g, 50g, 75g, 80g, 85g, 100g, 150g, and thereafter in multiples of 50g.
- 30. (i) Soft drinks and other non-alcoholic beverages including vegetable and fruit juices. 50ml, 100ml, 200ml, 250ml, 300ml, 500ml, 750ml, 1 litres and thereafter in multiples of 1 litre.

(Where, before the commencement of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1980, any quantity other than the standard quantity was moulded, embossed or indicated on any chemical process in such a way that the quantity so indicated cannot be altered without breaking the bottle, such bottle may be used so long as it lasts; but no soft drink shall be bottled in any new bottle manufactured after such commencement unless such new bottle conforms to the quantities specified above

(ii) Mineral water

31. Spices.

650ml.

25g, 50g, 100g, 200g, 500g, 1kg and thereafter in multiples of 500g.

32. Sugar, sugar cubes, khandsari.

100g, 200g, 500g, 1 kg, 2kg, 5kg, and thereafter in multiples of 5kg

33. (a) Toffees, boiled confectionery and the like.

(i) Upto 10 pieces, by number provided that the net content does not exceed 20g and thereafter by weight as follows:—

25g, 50g, 100g, 200g, 300g, 500g, 1 kg and thereafter in multiples of 1 kg

(ii) Fancy tins and drums; No restrictions, but endeavour shall be made to pack in multiples of 10g.

(b) Chococate and chocolate products.

25g, 30g, 35g, 40g, 50g, 60g, 70g, 80g, 90g, 100g, and thereafter in multiples of 20g.

34. Tooth paste.

50g, 75g, 100g, 125g, 150g, and thereafter in multiples of 50g.

Note:—Where any commodity is packed in a quantity so marked with a dagger the practice of packing such commodity in such quantity shall be discontinued as early as possible but in no case later than 31st March, 1984.

Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 46, dated February II, 1983.

CENTRAL EXCISES

G.S.R. 66(E). New Delhi, the 11th February, 1983.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely:—

1. (1) These rules may be called the **Central Excise (3rd Amendment) Rules, 1983**.

(2) They shall come into force on the dated of their publication in the Official Gazette

2. In rule 2 of the Central Excise Rules, 1944 (hereinafter referred to as the said rules,—

(i) after clause (v), the following clause shall be inserted, namely—

“(va) “free trade zone” means the Kandla Free Trade Zone and the Santa Cruz Electronics Export Processing Zone and includes any other free trade zone which the Central Government may by notification in the Official Gazette, specify in this behalf;

(ii) after clause (vii), the following clause shall be inserted, namely:—

(viiia) “Kandla Free Trade Zone” means the Kandla Free Trade Zone comprising the places bearing the survey numbers 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 211, 212, 216, 217, 218, 219, 220, 221, 222, 223, 224, 257, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 293A, 295, 302, 303, 304, 310, 312, 313, and 315 in the Taluka of Anjar District of Kutch, State of Gujarat, at a distance of 9.6 kilometres from the port of Kandla, and enclosed by a 3.3528 metres high fencing, consisting of stone masonry in mild steel bar mesh at the top, extending 1,04.429 metres in the North, 1,529.51 metres in the West 777.86 metres in the South and 1,847.88 metres in the East;

(iii) clause (xiva) shall be renumbered as clause (xivb), and before the clause as so renumbered, the following clause shall be inserted, namely:—

(xiva) “Santa Cruz Electronics Export Processing Zone” means the Santa Cruz Electronics Export Processing Zone, Bombay, comprising the places bearing plot No F.1. in the Marel Industrial area of Maharashtra Industrial Development Corporation within the village limits of Parjapur and Vyaravli, Taluka Andheri, and now in the Registration Sub district and District of Bombay and Bombay Suburban, containing by admeasurement 3, 75, 013 Square Metres or there about and bounded—

on or towards the North, by Road and Aarey Milk Colony Land
on or towards the South, Road,
on or towards the East, by pipe line
and, Aarey Milk Colony Land, and
on or towards the West, by Road ;’

3 In rule 56A of the said Rules, in sub-rule (2), after the Explanation below the second proviso, the following provisos shall be inserted, namely:—

“Provided also that no credit of duty shall be allowed in respect of any material or component parts produced or manufactured in a free trade zone and used in the manufacture of finished excisable goods in any other place in India, if such material or component parts fall under Item No. 68 of the First Schedule to the Act :

Provided also that credit of duty shall be restricted in respect of any material or component parts produced or manufactured in a free trade zone and used in the manufacture of finished excisable goods in any other place in India, to the extent of duty which is equal to the additional duty leviable on like goods under section 3 of the Customs

Tariff Act, 1975 (51 of 1975), and is paid on such material or component parts, if such material or component parts fall under any Item other than Item No. 68 of the First Schedule to the Act."

4. In rule 96ZV of the said rules, after the proviso, the following proviso shall be inserted, namely :—

"Provided further that the provisions of this rule shall not apply to cement manufactured in a free trade zone and returned to a cement factory in any other place in India."

5. In rule 97 of the said rules, after sub-rule (2), the following sub-rule shall be inserted, namely :—

"(3) The provisions of this rule shall not apply to excisable goods manufactured in a free trade zone and returned to a factory in any other place in India."

6. In rule 97A of the said rules, after sub-rule (4), the following sub-rule shall be inserted, namely :—

"(5) The provisions of this rule shall not apply to excisable goods manufactured in a free trade zone and returned to a factory in any other place in India."

7. In rule 100 of the said rules, the following proviso shall be inserted, namely :—

"Provided that the provisions of this rule shall not apply to sugar manufactured in a free trade zone and received by a factory in any other place in India."

8. After Chapter V of the said rules, the following Chapter and rules shall be inserted, namely :—

"CHAPTER V-A

REMOVAL FROM A FREE TRADE ZONE OF EXCISABLE GOODS FOR HOME CONSUMPTION

100A. *Application*.—(1) The provisions of this Chapter shall apply to a person permitted under any law for the time being in force to produce or manufacture excisable good within a free trade zone, and who has been permitted by the proper officer to remove such excisable goods to any other place in India on payment of duty of excise leviable thereon.

(2) Where there is a conflict between the provisions of this Chapter and the provisions contained in any other Chapter in relation to such excisable goods, the provisions of this Chapter shall prevail.

100B. *Daily Stock Account*.—Where a manufacturer is required to maintain accounts of raw material or component parts or finished excisable goods, as the case may be, under the provisions of the Customs Act, 1962 (52 of 1962) or rules, regulations, orders or notifications made or issued thereunder then, notwithstanding anything contained elsewhere in these rules, such accounts shall be deemed to be the accounts maintained for the purposes of these rules :

Provided that the Collector may require a manufacturer to provide such additional information in the said accounts or maintain such additional accounts as he may deem necessary.

100C. *Maintenance of account-current*.—

(1) The Collector may, either on a written request made by a manufacturer or on his own accord, instead of requiring payment of

duty in respect of each separate consignment of excisable goods removed from a free trade zone, keep with the manufacturer of such goods an account-current of the duties payable thereon and such account-current shall be settled at intervals not exceeding one month, and the account holder shall periodically make deposits therein sufficient in the opinion of the Collector to cover the duty due on the excisable goods intended to be removed from the free trade zone :

Provided that the Collector may allow a manufacturer who manufactures excisable goods falling under two or more Items of the First Schedule to the Act, to maintain, subject to such conditions as the Collector may specify in this behalf, a single account-current for payment of duty due on all such goods :

Provided further that where a manufacturer maintains separate account-current for each excisable goods, he may, in the event of an insufficient balance in any of the account-current, transfer, subject to such conditions as the Collector may specify in this behalf, an amount to such account-current from another account-current which has enough balance on the date of such transfer.

(2) Where a manufacturer keeping an account-current under sub-rule (1) makes an application to the Collector for withdrawing an amount from such account-current, the Collector may, for reasons to be recorded in writing, permit such manufacturer to withdraw the amount in accordance with such procedure as the Collector may specify in this behalf.

100D. Removal of goods on payment of duty.—(1) When a manufacturer desires to remove excisable goods from a free trade zone to any other place in India on payment of duty, he shall make an application in triplicate (unless otherwise by order required) to the proper officer in the proper form and shall deliver it to the proper officer at least twelve hours (or such other period as the Collector may in a particular case require or allow), before it is intended to remove the goods.

(2) Each such application shall be accompanied by the order permitting such removal and by such other documents as may be required by the proper officer, and the proper officer shall, thereupon, if satisfied that the excisable goods have been duly permitted to be so removed, assess the amount of duty due on the goods and on payment of the duty so assessed, allow the goods to be removed :

Provided that where the assessment is dependent on the value of the goods, the proper officer may require the manufacturer to produce such other documents or furnish such other information, as he may consider necessary, in order to determine the value thereof :—

100E. Issue of a gate-pass.—(1) No excisable goods shall be removed from a free trade zone to any other place in India except on payment of the duty of excise leviable on such goods and under a gate-pass in the proper form or in such other form as the Collector may specify, signed by the manufacturer or his authorised agent and countersigned by the proper officer.

(2) (a) The gate-pass shall be made out in triplicate with indelible pencil, using double-sided carbon and shall contain no mutilation, overwritings, corrections or erasures.

(b) The gate-pass shall be presented to the proper officer for countersignature at least one hour before the actual removal of the goods from the factory in the free trade zone.

(c) After counter signature, the proper officer shall return the original and triplicate copies of the gate-pass to the manufacturer retaining the duplicate copy for his record.

(d) The said original copy shall accompany the consignment to its destination and triplicate copy shall be retained by the manufacturer.

(e) The said original copy shall be produced by the carrier on demand by any Central Excise Officer, while the goods are enroute to its destination from the free trade zone.

(3) (a) If all the packages comprising a consignment are despatched in one lot at any one time, only one gate-pass shall be made out in respect of the consignment.

(b) Where a consignment is split into two or more lots, each of which is despatched separately either on the same day or on different days, a separate gate-pass shall be made out in respect of each such lot.

(c) In case a consignment is loaded on more than one vehicle, vessel, pack animal or other means of conveyance, which do not travel together but separately or at intervals, a separate gate-pass shall be made out in respect of each vehicle, vessel, pack animal or other means of conveyance.

100F. Monthly Return.—Within seven days after the close of the month to which the return relates or within such extended period as the Collector may allow, a manufacturer shall file with the proper officer in quadruplicate a monthly return in the proper form, in respect of the excisable goods removed from a free trade zone to any other place in India on payment of duty.

100G. Restrictions on removal of goods.—(1) Goods may not be delivered from a factory in a free trade zone to any place in India outside the free trade zone before 6 O' Clock in the forenoon or after 6 O' Clock in the afternoon, nor at any hour on Sundays and public holidays, except by permission of the Collector, and under such conditions, and on payment of such fees, as the Central Board of Excise and Customs or the Collector may by general or special order require.

(2) No excisable goods shall be removed from a factory in a free trade zone to any place in India outside the free trade zone on the date appointed for the presentation of the annual or any Supplementary Budget of the Central Government to Parliament or for the introduction in the House of the People of any Finance Bill for the imposition or increase of any duty unless an application for such removal in the prescribed form has been presented by the manufacturer to the proper officer and such application has been acknowledged by the proper officer, before 5.00 P. M. on the working day immediately preceding the date aforesaid :

Provided that no such application for the removal of goods which may come into existence at any time after the presentation of the application shall be acknowledged under this sub-rule unless the terms,

conditions and limitations imposed by the Collector in this behalf are complied with :

Provided further that where a manufacturer intends to remove goods from a factory in a free trade zone to any place in India outside the free trade zone after 5.00 P.M. on the date aforesaid, he shall also obtain the permission of the Central Government under sub-rule (3) for such removal.

Explanation.—For the purposes of sub-rule (2) and sub-(3), “goods” include goods which may come into existence at any time after the presentation of an application referred to in these sub-rules.

(3) Where a manufacturer intends to remove goods from a factory in a free trade zone to any place in India outside the free trade zone after 5.00 P.M. on the date appointed for the presentation of the annual or any Supplementary Budget of the Central Government to Parliament or for the introduction in the House of the people of any Finance Bill or any Bill for the imposition or increase of any duty, he may make an application in this behalf in writing to the Central Government undertaking to Pay duty at the enhanced rate, if any, that may be applicable to such goods with effect from the date immediately following the date aforesaid and to comply with such condition, as the Central Government may specify and thereupon the Central Government may, if it considers it necessary or expedient in the public interest so to do, permit the removal of such goods.

100 H Exemption from certain provisions.—The provisions contained in rules, 43, 44, 45, 46, 47, 48, 50, 52, 52A, 53, 53A, 54, 55, 56A, 56AA, 56B, 56C, Chapter VII, Chapter VIII, rules 223A, 223B, 224, 228 and 229 shall not apply to a manufacturer to whom this Chapter applies.”

9. In rule 173A of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) Nothing in this Chapter shall apply to a manufacturer or producer who has been allowed to discharge his duty liability in accordance with the provisions contained in section C-I, E-III or E-IX of Chapter V or to whom the provisions of Chapter V-A apply ”

10. In rule 173L of the said rules, after sub-rule (4), the following sub-rule shall be inserted, namely :—

“(5) The provisions of this rule shall not apply to excisable goods manufactured in a free trade zone and returned to a factory in any other place in India ”

11. In rule 173M of the said rules, after sub-rule (3), the following sub-rule shall be inserted, namely :—

“(4) The provisions of this rule shall not apply to excisable goods manufactured in a free trade zone and returned to a factory in any other place in India.”

12. In rule 174A of the said rules,—

(i) in clause (a), the word “and” shall be omitted ;

(ii) after clause (b), the following clause shall be inserted, namely :—

“(c) any goods or class of goods which are produced or manufactured in a free trade zone.”

13. In rule 233B, in sub-rule (4), after the word, letters and figures “Form R. T. 12,” the words, letter and figures “or Form R. T. 13. as the case may be” shall be inserted

14. In Appendix I to the said rules,—

(a) in (I) List of Central Excise Forms,—

(i) after Central Excise Series No. 57 and the entries relating thereto, the following Central Excise Series No. and entries shall be inserted, namely :—

Central Excise Series No.	Description of Form	Rule No.	Short title
“57A	Gate Pass for removal of excisable goods removed from a free trade zone on payment of duty.	100D	A.R. 1-A.”;

(ii) After Central Excise Series No. 65AA and the entries relating thereto, the following Central Excise Series No. and entries shall be inserted, namely :—

Central Excise Series No.	Description of Form	Rule No.	Short title
“65AAA	Gate-pass for removal of excisable goods from a free trade zone on payment of duty.	100E	G.P. 1-A”;

(iii) After Central Excise Series No. 79B and entries relating thereto, the following Central Excise Series No. and entries shall be inserted, namely :—

Central Excise Series No.	Description of Form	Rule No.	Short title
“79C	Monthly return of excisable goods removed from a free trade zone on payment of duty.	100F	Short title

(b) in (II) Specimen Forms,—

(i) after Form A.R. 1 (Application for removal of excisable goods on payment of duty) Central Excise Series No. 57), the following Central Excise Series No. and Form shall be inserted, namely :—

FORM A.R. 1-A
(Omitted)

(ii) after Form G P. 2 (Gate-Pass for removal of excisable goods from a factory or warehouse without payment of duty) (Central Excise Series No. 65AA), the following Central Excise Series No. and Form shall be inserted, namely :—

“Central Excise Series No. 65AAA

Original for Carrier.....
Duplicate for
Central Excise.....
Triplicate
Office Copy.....
Serial No
Range
Division.....
Collectorate.....
Free Trade Zone.....

FORM GP 1-A
GATE PASS FOR REMOVAL OF EXCISABLE GOODS FROM A
FREE TRADE ZONE ON PAYMENT OF DUTY.

(Rule 100E)
(Omitted)

(iii) after Form R.T 12 (Monthly/periodical return of excisable goods manufactured/received in bond and issued by assesses working under Chapter VII-A) (Central Excise Series No 79-B), the following Central Excise Series No. and Form shall be inserted, namely :—

“Central Excise Series No. 79C

Original/Duplicate/Triplicate
Range
Division.....
Collectorate.....
Free trade zone.....
Sl No... ..
Month
Year

FORM R.T. 13
MONTHLY RETURN OF EXCISABLE GOOD REMOVED FROM A
FREE TRADE ZONE ON PAYMENT OF DUTY

(Rule 100F)
(Omitted)

Published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section (i), No. 54; dated February 17, 1983.

MINISTRY OF ENERGY

G.S.R. 88(E). *New Delhi, the 17th February, 1983.*—In exercise of the powers conferred by section 3 of the Essential Commodities

Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Kerosene (Fixation of Ceiling Prices), Order, 1970, namely :—

1. (1) This order may be called the **Kerosene (Fixation of Ceiling Prices) Amendment Order, 1983**.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Kerosene (Fixation of Ceiling Prices) Order, 1970 (hereinafter referred to as the said Order), after clause 3, the following clause shall be inserted, namely :—

“3A. *Special Provisions for the fixation of subsidised and non-subsidised prices of kerosene* — Until a revised scheme for the sale and distribution of kerosene is made by a State Government and approved by the Central Government, sale and distribution of kerosene shall be made in accordance with the following scheme, namely :—

No dealer having stock of kerosene shall sell such kerosene—

(a) to a bulk consumer, at a price other than the non-subsidised price;

(b) to any other consumer whose entitlement to purchase kerosene for domestic use is based on any document authorising the supply of essential commodities for meeting the ordinary daily requirements of the holder thereof issued by a State Government in pursuance of its scheme of distribution of essential commodities, whether called as ration card or by any other name,—

(i) seventy per cent of such entitlement, at a price higher than the subsidised price :

(ii) the balance of such entitlement, at a price higher than the non-subsidised price :

Provided that where such ration card or other document does not specify any entitlement with regard to kerosene, the entitlement for kerosene shall be determined on the basis of units specified in the ration card or other document for cereals or sugar, as the case may be, in accordance with such orders as the State Government may, by notification in the Official Gazette, make in this behalf.

Explanation I.—In this clause, unless the context otherwise requires,—

(i) “kerosene” does not include aviation turbine fuel ;

(ii) “bulk consumer” means a consumer who makes purchase of kerosene on the strength of any permit, licence or other document, not being a ration card or other document referred to in sub-clause (b), issued by a State Government in pursuance of its scheme of distribution of essential commodities, authorising such purchase by him ;

(iii) “domestic use” means use for the purpose of cooking or illumination, but does include any use for such purposes by a hotel, canteen, restaurant and the like ;

(iv) “non-subsidised price”, in relation to a main port or refinery, means the price derived and declared in accordance with the provisions of clause 3, on the basis of the price indicated against it in column 4 of the Schedule appended to this Order.

(v) "subsidised price", in relation to a main port or refinery, means the price derived and declared in accordance with the provisions of clause 3, on the basis of the price indicated against it in column 3 of the Schedule appended to this Order.

Explanation II.—If, in a State, there is no scheme for the distribution of essential commodities on the basis of ration card or other document referred to in sub-clause (b), the entitlement of the consumer with regard to kerosene for domestic use shall be determined until any other scheme is made in this behalf by any State Government, in accordance with such scheme of distribution of essential commodities as is in force in that State."

3. In the said Order, after clause 4, the following clause shall be inserted, namely :—

"4A *Stock of kerosene to be sold at substituted and non subsidised prices to be displayed.*—During the period of operation of clause 3A, every dealer shall cause to be separately and prominently displayed on a special board to be maintained for this purpose at or near the entrance of the place of sale.—

(a) the stock of kerosene held by him from time for delivery at the subsidised and non-subsidised prices ;

(b) the declared prices of such kerosene ; and

(c) the prices at which he proposed to sell such kerosene."

4. In the said Order, for the Schedule appended thereto, the following Schedule shall be substituted, namely :—

THE SCHEDULE

(See clauses 2(d) and 3)

1. Basic ceiling selling prices of kerosene in bulk per kilolitre ex-Main port/Refinery.

Sl. No.	Main/Port Refinery.	Kerosene		Aviation Turbine Fuel.
		Subsidised price. Rs.	Subsidised Non-price. Rs.	
(1)	Bombay/Koyali/Mathura	1544.93	2844.93	4121.85
(2)	Cochin	1547.45	2847.45	—
(3)	Madras	1555.35	2855.35	4141.21
(4)	Visakhapatnam	1552.73	2852.73	4134.64
(5)	Haldia/Digboi/Gauhati Barauni/Bongaigaon.	1559.51	2859.51	4140.04
(6)	Calcutta	1580.32	2880.32	4140.04
(7)	Kandla	1579.31	2879.31	4119.45
(8)	Okha	1591.73	2891.73	4124.48
(9)	Goa	1575.49	2875.49	4121.71
II.	Flat transportation charges Kerosene superior.	Rs 50 per kilolitre		
III.	Price of 18.5 litre tin	Rs.4.75 per tin."		

Published in the Gazette of India, Extraordinary Part II, section 3, sub-section (i) No. 91, dated March, 16, 1983.

MINISTRY OF FINANCE
(Department of Economic Affairs)

G.S.R. 271 (E).—*New Delhi, the 16th March, 1983.*—In exercise of the powers conferred by section 3 of the public provident Fund Act, 1968 (23 of 1968), the Central Government hereby makes the following Scheme further to amend the Public Provident Fund Scheme, 1968, namely :—

1. (1) This Scheme may be called the **Public Provident Fund (Amendment) Scheme, 1983.**

(2) Paragraph 2 of this Scheme shall come into force on the date of its publication in the Official Gazette and the remaining paragraphs shall come into force from 1st April, 1983.

2. In the Public Provident Fund Scheme, 1968 (hereinafter referred to as the said Scheme), in paragraph 3, for the letters and figures 'Rs. 30,000' letters and figures 'Rs. 40,000' shall be substituted.

3. In paragraphs 4 of the said Scheme, for Sub-paragraph 3, the following Sub-paragraph shall be substituted, namely :—

“(3) The subscriber shall deposit his subscription with the accounts office with a challan in Form B, or as near thereto as possible. The counterfoils of the challan shall be returned to the depositor by the accounts office, duly evidenced by receipt.

In the case of deposits made by cheque or draft or postal order, the accounts office may issue a paper token to the depositor pending realisation of the proceeds.”

4. In paragraph 7 of the said Scheme, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely :—

“(2) A subscriber who fails to subscribe in any year according to the limits specified in paragraph 3, may approach the accounts office for condonation of the default, on payment, for each year of default, a fee of Rs. 10 alongwith arrear subscription of Rs. 100 for such year.”

5. In paragraph 9 of the said Scheme, the following sub-paragraph shall be inserted after sub-paragraph (2), namely :—

“(2A) Subject to the provisions of sub-paragraph (3), a subscriber may, on expiry of 15 years from the end of the year in which the initial subscription was made and in case he does not intend to close the account immediately inform the accounts office in Form H, or as near thereto as possible, that—

- (a) he would continue to subscribe for a further block period of 5 years according to the limits prescribed in paragraph 3, or
- (b) he would not make any further subscription.

In the event of a subscriber, desiring to subscribe during the afore-said block period, he would be eligible to make one partial withdrawal, at any time during that period, equal to 50 percent of the balance at his credit at the commencement of the block period, by applying to the accounts office in Form C, or as near thereto as possible, together with his pass book.

Note :—A subscriber may also avail of this facility for a further block of 5 years on expiry of 20 years (or on expiry of 25 years, as the case may be) from the end of the year in which the initial subscription was made.

Where, however, the subscriber does not wish to make any further subscription, the balance at his credit shall continue to earn interest, in accordance with the provisions of paragraph 8, until he applies to the accounts office for the withdrawal of the entire balance standing to his credit."

Counter foil (1)
Subscriber's copy
Public Provident Fund Scheme,
1968

Counter foil (2)
Agent's copy
Name of Agent.....
Code No
Public Provident Fund Scheme, 1968

(Name of Accounts Office)
Dated.....
Account No. Ledger folio.....
Name of Subscriber
Amount deposited (Cash/Cheque)
Rs.
Subscription :
Loan Repayment :
Interest on Loan :
Fee-----
Total-----
Rupees
(In words)

(Name of Accounts Office)
Dated.....
Account No. Ledger No.....
Name of Subscriber
Amount deposited (Cash/Cheque)
Rs.
Subscription :
Loan Repayment :
Interest on Loan :
Fee-----
Total-----
Rupees.....
(In words)

For Deposit Office

For Deposit Office

Amount in figures ;
Cashier's scroll No.
Dated stamp of deposit office.
Cashier

Amount in figures ;
Cashier's Scroll No.
Dated Stamp of deposit office
Cashier

Head Cashier/Accounts Officer

Head Cashier/Accounts Officer

Note—This counterfoil may be scooped out by subscribers not utilising the services of an agent.

6. The existing Form F of the said scheme shall be substituted by the following, namely :—

"FORM B

(See sub-paragraph (3) of paragraph 4)

(Omitted.)

7. The following Form shall be added as Form H, Namely :—

"FORM H

(See Sub-paragraph (2A) of paragraph 9)

Application for continuance of account under Public Provident Fund Scheme, 1968 beyond 15 years.

To

The Agent/Manager/Post Master

My public Provident fund account No.....will complete 15 years, after the initial year of its commencement, on.....

*I wish to continue to subscribe to my above referred account for a further block period of 5 years according to the limits prescribed in paragraph 3 of the Scheme.

*Delete whichever is not applicable.

For use in accounts office

The account completed 15 years after the year of initial subscription
.....Subscriber's request has been noted

Dated.....

Accounts Officer

Published in the Gazette of India, Part III Sec. 4, No. 13,
dated October 8, 1982

MINISTRY OF SHIPPING & TRANSPORT

Sectt. 101/5/82.—(New Delhi, the 4th October, 1982.—In exercise of the powers conferred by sub-section (1) of section 37 read with clauses (g), (h), (i), (k), (m) and (n) of sub-section (2) of section 37 and sub-section (2) of section 38 and section 39 of the International Airports Authority Act, 1971 (43 of 1971), the International Airports Authority of India, with the approval of the Central Government, hereby makes the following regulations namely :—

1. *Short title and commencement*—They shall apply to the International Airports of Bombay (Santa Cruz), Calcutta (Dum-Dum), Delhi (Palam), and Madras (Meenambakkam) and any other aerodromes which may be notified as such under clause (13) of section 1 of the International Airports Authority Act, 1971 except that these regulations shall not apply to the Government employees and that of Authority when engaged on official duties directly connected with aircraft operations.

3. *Definitions.*—In these regulations, unless the context otherwise requires,—

(1) 'Act' means the International Airports Authority Act, 1971 (48 of 1971),

(2) 'Authority' means the International Airport Authority of India, established under the Act ;

(3) 'Airport' means an aerodrome as defined in sub-section (a) of Section 2 of the Act;

(4) 'Apron' means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, refuelling, parking or maintenance ;

(5) 'Chairman' means the Chairman of the Authority ;

(6) 'Competent Authority' means in relation to exercise of any power, the Authority, the Chairman, any member authorised by the Chairman, General Manager of Airport or any other Officer specified by the Chairman in that behalf ;

(7) 'Customs Act' means the Customs Act, 1962 ;
(8) 'Manoeuvring Area' means that part of the airport to be used for the take off and landing of aircraft and for the surface movement of airport associated with take off and landing, excluding aprons ;

(9) 'Member' means a member of the Authority ;

(10) 'Motor Vehicles Act' means the Motor Vehicles Act, 1939, (4 of 1939) ; and

(11) 'Movement Area' means that part of airport intended for the surface movement of aircraft which includes the manoeuvring area and apron.

4. *Restrictions on aircraft, vehicles, persons using the airport.—*

(1) Between sunset and sunrise, as well as by day when visibility is less than 500 metres, vehicles operating on parts of the airport where the Motor Vehicles Act, 1939 does not apply shall have their lights on.

(2) Besides the normal lights, fuel trucks operating on parts of the airport to which the Motor Vehicles Act does not apply, shall be fitted with at least three lights which are clearly visible on all sides. The colour of the lights shall be yellow for service vehicles and red for emergency vehicles.

(3) No person shall commit any act of causing or tending to cause an outbreak of fire.

(4) No person shall transport and/or store any hazardous goods or materials or animals at the airport unless special permission of the General Manager of the airport is taken and in doing so shall observe such stipulations as may be laid down by the General Manager of the airport.

(5) No person shall without the prior permission of the General Manager of Airport, light a fire elsewhere than in a place constructed for that purpose.

(6) No person shall, without obtaining 'No Objection' from the General Manager of Airport fill or discharge any container including any part of the vehicle liquid fuel, else where than in a place approved for that purpose by the General Manager of Airport and as prescribed in Indian Aircraft Rules.

(7) No person without lawful authority or reasonable excuse shall tamper or interfere with or damage or remove or misuse or attempt to tamper or interfere with any telephone or public address system, any lift, escalator, conveyor belt or any mechanical or electrical or wireless telegraph apparatus, machinery line, post or other thing whatever being part of or used in the said apparatus or in the working thereof.

(8) No person shall slaughter or flay any animal or deposit or drop any rubbish, filth, garbage or any other polluted or obnoxious matter which attracts or is likely to attract vultures or other birds and animals in the airport except in accordance with and subject to the terms and conditions of a permission in writing issued by the General Manager of Airport.

(9) No person shall, without the permission of the General Manager of Airport, let loose or graze animals at the airport.

(10) No person shall tamper or interfere with any aircraft or anything used in connection with any aircraft.

(11) No person shall enter or climb upon or attempt to enter or climb upon any part of any aircraft without the authority of the person incharge of the aircraft or owner of the aircraft.

(12) No person shall enter or get on or attempt to enter or to get on any vehicle, truck, trolley or aircraft steps or tamper with the brakes or other part of its mechanism without lawful authority or reasonable excuse.

(13) The pilot or owner or a person incharge of any aircraft shall arrange to moor properly or otherwise secure if he parks the aircraft not in a hanger but in the open

(14) No person shall, without obtaining "No objection" from the General Manager of Airport, run up an aircraft engine in a hanger

(15) No person shall drive any vehicle on parts of the airport, where the Motor Vehicles Act does not apply, unless he has not been specifically authorised by the General Manager of the Airport after passing any test or examination as may be prescribed by the Competent Authority.

Provided, however, that the General Manager of Airport may also require such a person to possess licence under the Motor Vehicles Act, after passing such test or examination as may be prescribed thereunder before permitting him to drive any vehicle in those parts of the airport where the aforesaid Act is not applicable.

(16) No such mobile equipment vehicles as have not been issued with certificate of fitness by the Local Government Transport Authority, shall be permitted to operate in the movement areas at the airports. Drivers and owners of such vehicles shall present them to the General Manager of Airport or such officer(s) authorised in this behalf for such tests or checks as may be prescribed by him for issue of certificates where such certificates have not been applied for to the Local Government Transport Authority :

Provided, that all or any such equipment or vehicles as has been issued with certificate of fitness by the Local Government Transport Authority may be required by the General Manager of Airport to be presented to him or such other officer authorised in this behalf by him for such checks or tests as deemed necessary by him for the purpose of safe operations.

(17) On parts of the airport to which the Motor Vehicles Act does not apply, no person shall drive a motor vehicles recklessly or at a speed prohibited by the General Manager under clause 18.

(18) The General Manager of the Airport shall have the right to specify such restrictions on speed of vehicles in any part of the airport as he may deem fit and also to exercise control on parking of vehicles at the airport and the vehicles shall conform to those restrictions and observe all signs and instructions that may be put up by the General Manager of Airport.

(19) No person whilst driving or propelling a vehicle on parts of the airport to which the Motor Vehicles Act does not apply, shall neg-

let, fail or refuse to comply with an indication or direction given by either :—

- (i) a traffic sign placed on or near such parts of the airport, or
- (ii) a police officer or an officer of the authority for the time being engaged in the regulation of traffic.

(20) In case an accident occurs on a part of the airport where the Motor Vehicles Act does not apply, the driver of the vehicle involved shall stop and shall report the accident to the General Manager of the airport and/or to the Police Officer on duty as soon as reasonably practicable, and in any event before leaving the airport.

(21) No person shall place an aircraft anywhere at the airport other than at the areas and position designated by the General Manager of Airport.

(22) Unless otherwise provided under the Act or by general or special order in writing by the Central Government the use of the movement area of an aircraft by an aircraft shall be subject to payment of such landing, parking or housing fees or charges as are levied by the authority from time to time.

(23) In the process of landing, taking off, taxiing or parking an aircraft or in any way using the airport, if any damage is caused to the lighting or other airport fixtures, the owner of the aircraft concerned shall be liable for damage as may be determined by the authority.

(24) In the event of an accident involving an aircraft within the premises of the airport the person-in-command of the aircraft or the owner, the operator or the hire of the aircraft shall notify to the airport General Manager as soon as possible but not later than 24 hours.

(25) No person shall wilfully and without good cause operate, or attempt, to operate any switch or lever of any escalator or lift upon or near which is displayed a notice that it is intended only to be operated in case of emergency.

(26) No person shall work or use any mechanical, electrical or other device line, system, electrical or electronic apparatus that generates or designed to generate or liable to generate electro-magnetic energy at frequencies of not more than 3,000 GHz in such a manner as to endanger the functioning or radio-navigation services, or other safety services or seriously degrades, obstructs or repeatedly interrupts by its emission, radiation or induction, a radio communication service at the airports.

(27) No person shall smoke in or otherwise bring any naked light into or in any place anywhere within 10 ft. or 30 metres near an aircraft or a store of liquid fuel or explosive where any such act is prohibited by notice or under the provisions of the Aircraft Act, 1934, the Aircraft Rules, 1937 and/or any directive issued in this behalf.

(28) General Manager of Airport shall have the power to remove or cause to be removed any person from an aircraft if in the opinion of that authority such person's presence is likely to obstruct the normal functioning of the airport or is likely to endanger the safety of the aircraft.

5. *Prevention of danger to public arising from the use and operation of aircraft and vehicles* —(1) The General Manager of Airport may

issue local orders from time to time in regard to use of the airport as contained in these regulations

(2) Only such towing vehicles (tractors) as have been approved by the authority for the purpose may tow aircraft and in doing so follow the towing routes which may be determined by the General Manager of airport.

(3) All vehicles operating in the operational area shall be, it required by the Competent Authority, fitted with radio/telephone equipment enabling two-way communication with the ground units as may be specified by the General Manager of Airport.

6. *Prevention of obstruction within the Airport for its normal functioning*—(1) No person shall obstruct or interfere with the proper use of the airport.

(2) No person shall obstruct any person acting in the execution of his duty in relation to the operation of the airport including the conveyance of passengers, their baggage and other goods and the maintenance and servicing of aircraft.

(3) Without the permission of the competent authority no person shall to the annoyance of the other person sing, dance, shout, play musical instrument or erect any apparatus for transmission, receipt recording reproduction or amplification of sound, speech or images.

(4) No person shall organise or take part in any public assembly, demonstration or procession likely to obstruct or interfere with proper use and orderly functioning of the airport or to cause serious public disorder or obstruct or interfere with the comfort, convenience and safety of passengers using the airport.

(5) No person shall without the permission of the competent authority dig soil or cut or remove turf or erect structures temporary or permanent within the airport area.

(6) No person shall without the approval of the competent authority store cargo, drums, cases, building materials, spare parts and other objects outside the places or rooms intended or designated for the purpose.

7. *Prohibiting or restricting the parking or waiting of any vehicle or carriage within the airports*.—(1) No person shall without the permission of the General Manager of Airport drive or place a vehicle elsewhere than in a place provided for the passage or accommodation for such vehicles. He shall be liable to pay charges at such rates as prescribed by the Competent Authority for parking of vehicles in such places.

(2) No person shall on parts of the airport to which the Motor Vehicles Act does not apply, wait, leave or park a vehicle in excess of the permitted time in an area where the period of waiting is restricted by notice or order.

(3) Any vehicle parked in a unauthorised place, or in excess of the permitted time of the parking, shall be liable to be removed or caused to be removed and stowed away at the expense of the owner without liability for damage thereto arising from or out of such removal of stowage.

(4) No person shall park a vehicle at the airport for the purpose of plying for hire except in an authorised car park approved by the competent authority.

(5) No person shall ply a taxi for hire except from an authorised stand approved for that purpose and indicated by proper signs. The operation of the taxis within the airport area shall be regulated by a local order issued by the General Manager of Airport from time to time.

8. *Entry into airports.*—(1) No person shall enter, or be in the Terminal Building or part of such building, unless he holds an admission ticket valid for entry therein :

Provided that this sub-regulation shall not apply to :

(a) any passenger embarking, disembarking or in transit who holds an air ticket ; or

(b) any person who is engaged on regular duty and is exempted from the provisions of this sub-rule by general or special order in writing from the Chairmah.

(2) An admission ticket may be obtained from the airport authority on payment of such amount as may be specified by the Chairman from time to time.

(3) The admission ticket will be non-transferrable and shall be produced for examination on demand by any officer authorised in this behalf by the Chairman.

(4) (a) An admission ticket may be a single entry ticket authorising single entry or a seasonal entry ticket authorising several entries during a season, that is to say, a month, a quarter, or half year, into the terminal building or part of such building.

(b) A single entry ticket shall be valid for entry once only, into such building or part.

(c) A seasonal entry ticket shall be valid for the period specified therein, irrespective of the number of entries into such building or part.

(d) Notwithstanding anything contained in these regulations, the Chairman, the General Manager of the airport or any other officer authorised by the Chairman in this behalf may, if he is satisfied that it is necessary or expedient so to do for the maintenance of proper order or decorum, refuse admission to any person into the terminal building or any part of such building, or require any person in such building or part.

(5) Every person shall comply with any notice prohibiting or restricting access of any person or vehicle to any building, road or part of the airport.

9. *Preserving order within the airport and preventing damage to property therein.*—(1) No person using the airport shall handle, interfere with or in any way meddle with fixtures, fittings, equipment or other property of the authority.

(2) Every person handling or using equipment or property of the Authority shall do so in accordance with the directions and instructions which may be issued by the competent authority.

(3) No person shall behave in a disorderly, indecent or offensive manner within the airport area.

(4) No person shall be in a state of intoxication while within the airport area.

(5) No person shall use any language likely to cause offence or annoyance to any person.

(6) No person shall display on any part of the Airport any flag, banner, poster, or emblem likely to cause a breach of peace.

(7) No person shall enter airport premises, including any building or outside area with an animal except under a permission in writing by the General Manager of Airport laying down the conditions of such entry.

(8) No person shall, without the permission of the competent authority, remove, displace, damage deface, or alter any building structure or other property whether movable or immovable (including bill or notice boards), forming part of or provided for or in connection with the airport or erect or place on any part of the airport any such structure or property.

10. *Regulating or restricting advertising within the airport.*—(1) No person shall without the permission of the competent authority post, distribute or display signs, advertisements, circular other printed or written matter at the airport.

(2) The General Manager of the Airport may remove or cause to be removed at the cost of the party concerned any unauthorised boards, advertisements, posters, counters, kiosks, or other structures within the airport premises.

11. *Requiring any person to leave the airport or any particular part of the airport.*—Any person acting in contravention of these regulations can be asked by the General Manager of Airport to leave the airport area.

12. *Photography at airports.*—No person shall take or cause or permit to be taken at the airport any photograph except in accordance with and subject to the terms and conditions of permission in writing granted by the Director General of Civil Aviation under Rule 13 of the Indian Air craft Rules, 1937.

13. *General Provisions.*—(1) The Authority assumes no liability whatsoever for damage, which might be sustained by any person or company in consequence of the fact that the airport or any part thereof and its facilities cannot at the discretion of the authority be made available temporarily for use for valid reasons or due to circumstances beyond the control of the authority.

(2) The Airline companies or their representatives at the airports, shall inform the General Manager of airport in advance of the schedules of arrival and departure times of the aircraft calling at the airports.

(3) The Airline companies or their representatives shall provide traffic statistics in respect of their operations in such form and at such intervals as may be required by the General Manager.

(4) Furniture and fixtures provided in the airport premises for the use of passengers and visitors shall be used only for the purpose for which they are intended and shall not be put to any misuse.

(5) No person shall, without the permission of the General Manager airport sell or distribute anything, offer anything for sale or hire or make any offer of services within the airport.

(6) The users of the airport shall be liable to pay compensation to the authority for any damage or loss which may be caused to the property of the authority as a result of not following these regulations, orders or instructions issued by the competent authority from time to time.

(7) No person shall carry on any trade or business at the airport without obtaining specific permission or licence from the competent authority who shall have the right to refuse for reasons to be recorded in writing or grant such permission and if granting, subject to such terms and conditions, as may be determined by the competent authority.

(8) The General Manager of the airport or any other person authorised by the Chairman by special or general order in writing in this behalf may at all reasonable times enter any place to which access is necessary for the purpose of exercising the powers or carrying out his duties under these regulations.

(9) *Obstruction of authorised persons.*—No person shall voluntarily obstruct any persons acting in the exercise of his powers or in the discharge of his duties under these regulations.

14. *Penalties.*—Any person contravening any of the provisions of these regulations shall be punishable with fine which may extend to five hundred rupees and in the case of continuing contravention with an additional fine which may extend to Rs. 20 for every day during which such contravention continues after conviction for the first such contravention.

Published in the Gazette of India, (Extra.), Part II Sec. 3 (ii),
No. 9, dated January 7, 1983.

MINISTRY OF HEALTH & FAMILY WELFARE

G.S.R. 13 (E). *New Delhi, the 7th January, 1983.*—Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945 was published, as required by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), under the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health), No. G.S.R. 242 (E), dated the 5th March, 1982, at pages 293 and 294 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 5th March, 1982, inviting objections from all persons likely to be affected thereby before the expiry of ninety days from the date of publication of the draft notification in the Official Gazette :—

And whereas the said Gazette was made available to the public on the 20th March, 1982 ;

And whereas no objection or suggestion has been received from public on the said draft rules ;

Now, therefore, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory

Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. These rules may be called the Drugs and Cosmetics (First Amendment) Rules, 1983.

2. In the Drugs and Cosmetics Rules, 1945,—

(1) in rule 85-B, after sub-rule (4), the following sub-rule shall be inserted, namely :—

“(5) Applications by licensee to manufacture additional items of Homoeopathic medicines shall be made to the licensing authority and such applications shall be accompanied by a fee of rupees five for each additional item”.

(II) in rule 85-H,—

(i) in clause (e), in sub-clauses (i), (ii) and (iii), the following words shall be added at the end, namely :—

“for a period of five years”;

(ii) in clause (f), the following shall be added at the end, namely :—

“such records shall be maintained for a period of five years.”;

(III) In Schedule A,—

(i) In Form 24 C, for entry—I, the following shall be substituted, namely :—

“I, /we— of — holder of licence No. — in form 20C hereby apply for grant/renewal of licence to manufacture the under-mentioned Homoeopathic Motor Tincture potentised and other preparations on the premises situated at —

Name of the Homoeopathic preparations —

Each item to be separately specified),”

(ii) In form 25-C, for entry I, the following shall be substituted, namely :—

“I, — of — who holds a licence in Form 20-C is hereby licensed to manufacture the under mentioned Homeopathic Mother Tincture/potentised and other preparations on the premises situated at — under the direction and supervision of following technical staff—Names of the Homoeopathic preparations.

(Each item to be separately specified)

Name of the Technical Staff —”

Published in the Gazette of India, Extraordinary Part-II,

Section 3(i), No. 136 dated April 12, 1983.

MINISTRY OF EXTERNAL AFFAIRS

G.S.R. 325(E). *New Delhi, the 12th April, 1983.*—In exercise of the powers conferred by Section 24 of the Passports Act, 1967 (15 of 1967), the Central Government hereby makes the following rules further to amend the Passports Rules, 1980, namely :—

1. (i) These rule may be called the Passports (Amendment) Rules, 1983.

2. They shall come into force on the date of their publication in the Official Gazette

2. In Schdule 1 to the Passports Rules, 1980.—

(1) against Sl. No. 2, under column (3), in the entries, the word

'Tripura' wherever applicable, shall be omitted;

3. Against Sl. No. 15, in column 3 for the words "The States of Assam, Nagaland", the words "The States of Assam, Tripura, Nagaland", shall be substituted,

Published in the Gazette of India, Extraordinary Part-II, Section 3(i), No. 228 dated June 17, 1983.

MINISTRY OF EXTERNAL AFFAIRS

G.S.R. 494(E) *New Delhi, the 16th June, 1983.*—In exercise of the powers conferred by section 24 of the Passport Act, 1967 (15 of 1967), the Central Government hereby makes the following rules further to amend the Passports Rules, 1980 namely:—

1. (1) These rules may be called the Passports (Second Amendment) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2 In Schedule 1 to the Passports Rules, 1980 for entries against SL No. 8, the following entries shall be substituted, namely:—

1.	2.	3.
"8(i)	(a) Passport Officer, Lucknow (Passport Office, Lucknow).	The State of Uttar Pradesh (excluding the district of Pilibhit, Shahjahanpur, Main-puri, Agra, Mathura, Aligarh, Etah, Bulandshahr, Badaun, Barilley, Rampur Meerut, Ghaziabad, Moradabad, Nainital, Bijnor, Muzaffarnagar Saharanpur, Garhwal, Almora, Pithoragarh, Chamoli, Tehri-Garhwal, Dehradun and Uttarakashi.
	(b) Assistant Passport Officer, Lucknow (Passport Office, Lucknow).	—do—
	(c) Public Relations Officer, Lucknow (Passport Office, Lucknow).	—do—
	(d) Superintendent, Lucknow (Passport Office Lucknow).	—do—
8(ii)	(a) Passport Officer, Bareilly (Passport Office, Bareilly).	The District of Pilibhit, Shahjahanpur, Mainpuri, Agra, Mathura, Aligarh, Etah, Bulandshah, Badaun, Bareilly, Rampur Meerut, Ghaziabad, Moradabad, Nainital, Bijnor, Muzaffarnagar, Saharanpur, Garhwal, Almora, Pithoragarh, Chamoli, Tehri-Garhwal, Dehradun and Uttarakashi in the State of Uttar Pradesh.

- (b) Public Relations Officer, —do—
Bareilly (Passport Office,
Bareilly).
- (c) Superintendent, Bareilly —do—
Passport Office, Bareilly).

Published in the Gazette of India, Extraordinary, Part II,
Section 3 (ii), No. 373 dated August 26, 1983.

MINISTRY OF FINANCE

S.O. 622(E). *New Delhi, the 26th August, 1983.*—In exercise of the powers conferred by section 114 of the Gold (Control), Act, 1968 (45 of 1968), the Central Government hereby make the following rules further to amend the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968, namely :—

1. (1) These rules may be called the **Gold Control (Forms, Fees and Miscellaneous Matters) Amendment Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Gold Control (Forms Fees and Miscellaneous Matters) Rules, 1968, in the Appendix,—

(i) in Form G.S. 11, in NOTE 2, for the words “lace and Copper”, the words “lac, copper, plastic and ivory” shall be substituted ;

(ii) in Form G.S. 12, in NOTE 1, for the words “lace and copper”, the words “lac, copper, plastic and ivory” shall be substituted.

Published in the Gazette of India, Extraordinary Part II,
Section 3(ii), No. 363, dated August 23, 1983.

MINISTRY OF COMMERCE

S.O. 505(E). *New Delhi, 23rd August, 1983.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947, (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the **Exports (Control) Sixteenth Amendment Order, 1983.**

2. In the Exports (Control) Order, 1977.

(1). In part ‘B’ Schedule 1, the existing entries appearing against S. No. 24(iv) (a) and (b) shall be substituted by the following :—

“24. (iv) Foodgrains seeds of all varieties, including Wheat and Paddy Seeds.”

(ii) In OGL-3 in Schedule III, the following entry appearing against S. No. 19 shall be deleted :—

“Foodgrain seeds excluding wheat seeds.”

Published in the Gazette of India, Extraordinary, Part II,
Part II, Section 3(ii) No. 317 dated July 21, 1983.

MINISTRY OF COMMERCE

S.O. 516 (E)/No. E. (C)O, 1977/AM (266). *New Delhi the 21st July, 1983.*—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947) the Central

Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely:—

1. The Order may be called **Exports (Control) Thirteenth Amendment Order, 1983.**

2. In the Exports (Control) Order, 1977.

(i) In part 'B' Schedule 1, the following items shall be added after S. No. 24 :—

- 25(i) Brucine Sulphate
- 25(ii) Brucine Alkaloids
- 25(iii) Strychnine Alkaloids
- 25(iv) Strychnine HCL.
- 25(v) Strychnine Sulphate.
- 25(vi) Strychnine Nitrate."

(ii) In OGL-3 Schedule III, the following items shall be added after S. No. 31 (ix) :—

1.	2.	3	4
31(x)	Brucine Sulphate	B. 25(i)	The f.o.b. price per kg is not less than Rs. 700.
31(xi)	Brucine Alkaloids	B. 25 (ii)	The f.o.b. price per kg. is not less than Rs. 800.
31(xii)	Strychnine Alkaloids	B. 25 (iii)	The f.o.b. price kg. is not less than Rs. 450/-.
31(xiii)	Strychnine HCL.	B. 25 (iv)	The f.o.b. price kg. is not less than Rs. 350.
31(xiv)	Strychnine Sulphate	B. 25 (v)	
31(xv)	Strychnine Nitrate	B. 25 (vi)	

Published in the Gazette of India, Extraordinary Part II, Section 3(ii), No. 180 dated April 21, 1983.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS:

S.O. 325(E). *New Delhi 21st April, 1983.*—In exercise of the powers conferred by section 67 of the Wakf Act, 1954 (29 of 1954) read with the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Legislative Department) No. 4/3/73 Wakf dated the 30th December, 1975 issued under sub-section (1) of section 72 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules further to amend the Punjab Wakf Rules, 1964, namely:—

1. (1) These rules may be called **the Punjab Wakf (Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 8 of the Punjab Wakf Rules, 1964 (hereinafter referred to as the principal rules),—

(a) In sub-rule (1), the following proviso shall be inserted at the end, namely:—

“Provided that pending such advertisement and selection of a candidate for appointment to the post of Secretary, the Government

may, if satisfied that it is necessary or expedient so to do in the interest of the Board, appoint (whether on whole-time or part-time basis) in consultation with the Board any person who fulfils the qualifications specified in sub-rule (2) and who in its opinion is suitable to be the Secretary of the Board, and a person so appointed in accordance with the provisions of the proviso shall notwithstanding anything in any other provision of this rule, hold office on such terms and conditions as may be specified in the order of his appointment till the expiry of the period for which he is so appointed or till the date on which the candidate selected in pursuance of the advertisement aforesaid takes charge of the office, whichever is earlier.”;

(b) to sub-rule (12), the following proviso shall be added, namely :—

“Provided that the Government may also terminate the services of the Secretary by paying him salary for three months or for the unexpired period of the term of his office, whichever is less.”

Published in the Gazette of India, Extraordinary, Part II,
Section 3 (i), No. 262 dated July 5, 1983.

MINISTRY OF FINANCE

G.S.R. 556(E). *New Delhi July 5, 1983.*—In exercise of the powers conferred by clause (b) of section 54 of the Finance Act, 1983 (11 of 1983), the Central Government hereby appoints the 1st day of August, 1983, for the purposes of the said clause (b).

Published in the Gazette of India, Extraordinary, Part II,
Section 3(i), No. 311 dated August 19, 1983

MINISTRY OF FINANCE

G.S.R. 660(E). *New Delhi August 19, 1983.*—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (9th Amendment) Rules, 1983.**
2. In the Central Excise Rules, 1944, in rules, 96-L, 96-R and 96-ZK, after the figures and letter “223-A, the figures and letter 223” shall be inserted.

Published in the Gazette of India, Extraordinary, Part II,
Section 3(ii), No. 186 dated April 19, 1983.

MINISTRY OF COMMERCE

S.O.322(E)/No.E.(C)O. 1977/AM(259). *New Delhi dated April 19, 1983.*—In exercise of the powers conferred by Section 3 of the Imports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the **Exports (Control) Sixth Amendment Order, 1983.**
2. In the Exports (Control) Order, 1977.
 - (a) In Part ‘B’ Schedule 1, Sl. No. 71 shall be renumbered as Sl. No. 71(i) and the following entry shall be added thereafter :—

"71 (ii) Jute Carpet Backing Cloth"

(b) In OGL:4, Schedule III the existing entry at SL. No. 20 shall be substituted by the following :—

Sl. No.	Item	Sl. No as in Part 'B' of Schedule 1.	Canalising Agency.
1.	2	3	4
20 (i)	Raw Jute, mesta and cuttings excluding Caddies	B.71 (i) B.71 (ii)	Jute Corporation of India State Trading Corporation.
(ii)	Jute carpet backing cloth when exported to countries in North America.		

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 190 dated April 23, 1983.

MINISTRY OF COMMERCE

S O. 326 (E)/No. E (C) O, 1977/AM(270) *New Delhi dated April 23, 1983*— In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947, the Central Government hereby makes the following order further to amend the Exports (Control) Order 1977, namely :—

1. This Order may be called the **Exports (Control) Seventh Amendment Order, 1983**.

2. In the Exports (Control) Order, 1977, in Part 'A' Schedule 1 :—

(i) The existing entry appearing against S.No. 22 (I) shall be deleted.

(ii) The Existing entry appearing against S. No. 56 shall be substituted by the following :

"56 (i)—Beryl including Gem variety of Beryl.

"56 (ii)—Rough (Uncut and unset) precious and semi-precious stones."

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 252 dated June 9, 1983

MINISTRY OF COMMERCE.

410 (E)/No. E(C), 1977 AM (261). *New Delhi dated June 9, 1983.*— In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government

hereby makes the following Order further to amend the Exports (Control) Orders, 1977, namely :—

1. This order may be Called the Exports (Control) Eighth Amendment Order, 1983.

2. In the Exports (Control) Order, 1977,—

(i) In Part 'B' Schedule-1 the existing entry against Sl. No. 77 (iii)-ii-8 reading—

“Artistic articles of tortoise shell mother of pearls etc.” shall be substituted by the following :—

“Aristic articles of mother of pearls.”

(ii) In Part 'B' Schedule-1, the existing entry at Sl. No. 77 (iii)-II-21 reading “Artistic handcrafted wooden furniture and decorative accessories covered with silver sheet” shall be deleted.

(iii) In OGL-3, Schedule-III, the existing entry against Sl.No. 68-II-8 shall be substituted by the following :—

“Artistic articles of mother of pearls,”

(iv) In OGL-3. Schedule III, the existing entry against Sl No. 68-II.21 shall be delted.

Published in the Gazette of India, Extraordinary, Part II,
Section 3 (ii), No. 85 dated February 23, 1983.

MINISTRY OF FINANCE

S O. 131 (E). *New Delhi February 23, 1983.*—In exercise of the powers conferred by section 295 of the Income-Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely —

1. (1) These rules may be called the **Income-tax (IInd Amend-ment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Income-tax Rules, 1962, in part 1 of Appendix I, in the Table of rates at which depreciation is admissble, in column 1, under the heading “III, Machinery and plant (not being a ship)”, under the sub heading “(ii) Special rates”, in Group D, after Item 10-A), the following item shall be inserted, namely :—

“(10B) (a) Air Pollution Control Equipments, being :

- (i) Electrostatic precipitation Systems.
- (ii) Felt-filter Systems
- (iii) Dust Collector systems.
- (iv) Scrubber - counter current / venturi / packed-bed / Cyclonic scrubbers.

(b) Water Pollution Control Equipments, being :

- (i) Mechanical Screen Systems
- (ii) Aerated Detritus Chambers (including air compressor)
- (iii) Mechanically skimmed oil and grease removal systems
- (iv) Chemical feed systems and flash mixing equipment.

- (v) Mechanical flocculators and Mechanical Reactors.
- (vi) Diffused air/mechanically aerated activated sludge systems
- (vii) Aerated lagoon systems
- (viii) Biofilters
- (ix) Methane-recovery anaerobic Digester systems
- (x) Air flotation systems
- (xi) Air/steam stripping systems.
- (xii) Urea Hydrolysis systems
- (xiii) Marine out fall systems
- (xiv) Centrifuge for dewatering sludge
- (xv) Rotating Biological Contractor or Bio-disc
- (c) Solid waste Control Equipments, being Caustic/lime/chrome/mineral/cryolite recovery system."

Published in the Gazette of India, Extraordinary, Part II,
Section 3 (i), No. 139 dated April 13, 1983.

DEPARTMENT OF ENVIRONMENT :

GSR.328 (E), New Delhi 13th April, 1983—In exercise of the powers conferred by clause (a) of sub-section (1) of section 63, read with clause (b) of sub-section (4) of section 44 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely :—

1. *Short title, extent and commencement.*—(1) These rules may be called to the Wild Life (Protection) Licensing (Additional Matters for Consideration) Rules, 1983.

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3.) They shall come into force on the date of their publication in the Official Gazette.

2. *Definition.*—In these rules, unless the context otherwise requires, "Act" mean the Wild Life (Protection) Act, 1972 (53 of 1972).

3. *Additional matters for consideration for grant of licence under section 44 of the Act.*—For the purposes of granting a licence referred to in sub-section (1) of section 44 of the Act, the Chief Wild Life Warden or the authorised officer, as the case may be, shall in addition to the matters specified in clause (b) of sub-section (4) of that section, have regard to the following other matters, namely :—

- (i) capacity of the applicant to handle the business concerned with reference to facilities, equipment and suitability of the premises for such business;
- (ii) source and the manner in which the supplies for the business concerned would be obtained;
- (iii) number of licences for the relevant business already in existence in the area concerned;
- (iv) implications which the grant of such licence would have on the hunting or trade of wild animals concerned :

Provided that no such licence shall be granted if the said implications relate to any wild animal specified in Schedule I or Part II of Schedule II to the Act except with the previous consultation of the Central Government.

Published in the Gazette of India, Extraordinary, Part-II,
Section 3 (ii), No. 200 dated April 29, 1983.

MINISTRY OF FINANCE

S.O. 338 (E)—*New Delhi dated April 29, 1983*—In exercise of the powers conferred by sub-section (2) of section 19 of the Securities Regulation Act, 1956, the Central Government hereby appoints the 29th day of April, 1983, as the date on which section 19 of the said Act shall come into force in the area covered by the limits of the Municipal Corporation of Ludhiana in the State of Punjab.

Published in the Gazette of India, Extraordinary, Part-II,
Section 3 (ii), No. 200 dated April 28 1983.

MINISTRY OF FINANCE

S. O. 337 (E) *New Delhi dated April 29, 1983*.—Whereas the Central Government is satisfied, having regard to the nature and volume of transactions in securities in the area covered by the limits of the Municipal Corporation of Ludhiana in the State of Punjab, that it is necessary so to do;

Now, therefore, in exercise of the powers conferred by sub section 13 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), the Central Government hereby declares that the said section 13 shall apply to the said area.

Published in the Gazette of India, Extraordinary Part-II,
Section (i) No. 161-A, dated April 30, 1983.

MINISTRY OF FOOD AND CIVIL SUPPLIES

G.S.R. NO. 365-A(E), *New Delhi the 30th April, 1983*.—In exercise of the powers conferred by sub-clause (1) of clause 4 of the Vegetable Oil Products Control Order, 1947, the Vegetable Oil Product Controller for India hereby makes the following Order further to amend the Vegetable Oil Products (Standards of Quality) Order, 1974, namely :—

1. (1) This Order may be called the Vegetable Oil Products (Standards of Quality) Amendment Order, 1983.

(2) It Shall come into force at once.

2. In the First Schedule to the Vegetable Oil Products (Standards of Quality) Orders, 1975, under clause 7,—

(i) In sub-clause (ii) for the words and figures “31°C to 37°C” the words and figures “31°C to 41°C” shall be substituted;

(ii) In sub-clause (iv) for the words and figures “not more than

1.50 Per cent", the words figures "not more than 2.0 per cent", shall be substituted.

Published in the Gazette of India, Extraordinary, Part II,
Section (i), No. 131, dated April 7, 1983.

MINISTRY OF INDUSTRY

G.S.R. 319 (F), *New Delhi, the 7th April, 1983*.—Whereas the Indian Explosives (Amendment) Act, 1978 (No. 32 of 1978) was passed by Parliament on 18th August 1978 and in pursuance of Section 1 Sub-Section (2) of the said Amendment Act, the Central Government hereby appoints 2nd March, 1983, as the date on which the Indian Explosives (Amendment) Act, 1978 shall come into force.

Published in the Gazette of India, Extraordinary, Part-II,
Section (i), No. 174 dated April 11, 1983.

MINISTRY OF INDUSTRY

S.O. 287 (E), *New Delhi, the 11th April, 1983*.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1945 (10 of 1955), the Central Government hereby makes the following Order further to amend the Paper (Control) Order, 1979, namely :—

1. (1) This order may be called the Paper (Control) Amendment Order, 1983.

(2) It shall come into force at once.

2. In the Paper (Control), Order 1979 (hereinafter referred to as the said Order), in clause 2, sub-clause (b) shall be omitted.

3. In clause 3 of the said Order, the words "and cream laid or wove paper" shall be omitted.

4. In clause 4 of the said Order, the words "and cream laid or any such varieties of paper" shall be omitted.

5. In clause 5 of the said Order, the words "and cream laid or wove paper" occurring at two places shall be omitted.

6. In clause 6 of the said Order, for the letters, figures, brackets and words, "Rs. 4200.00 (Rupees four thousand two hundred only)" the letters, figures, brackets and words "Rs. 5400.00 (Rupees five thousand four hundred only)" shall be substituted.

7. In clause 6-A of the said Order—

(i) in sub-clause (a), for the words and figures "is less than 10,000 tonnes per annum", the words and figures "is not more than 16,500 tonnes per annum" shall be substituted;

(ii) sub-clauses (b) and (c) shall be omitted.

Published in the Gazette of India, Extraordinary Part-II,
Section (i), No. 174 dated April 11, 1983.

MINISTRY OF INDUSTRY

S. O. 286 (E), *New Delhi, the 11 April, 1983*.—In exercise of the

powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Paper (Regulation of Production) Order, 1978, namely :—

1. (1) This Order may be called the Paper (Regulation of Production) Amendment Order, 1983.

(2) It shall come into force at once.

2. In the Paper (Regulation of Production) Order, 1978 (hereinafter referred to as the said Order), in clause 2,

(i) sub-clauses (a), (b) (c), (f) and (h) shall be omitted;

(ii) after sub-clause (r), the following clause shall be inserted, namely :—

(m) "writing and printing paper" means, the material commonly known as writing and printing paper and includes all varieties of papers which are primarily manufactured for printing and/or writing, but does not include newsprint."

3. For clauses 3 and 4 of the said Order, the following clauses shall be substituted, namely :—

'3. Regulation of Production of Paper—(1) Every manufacturer shall manufacture in respect of every quarter commencing on and from the date of commencement of the Paper (Regulation of Production) Amendment Order, 1983, white printing paper on the basis of the extent of production thereof as specified in the Table below, namely :—

TABLE

Capacity of manufacturer	Extent of production of white Printing paper
1	2
Where percentage of capacity to manufacture writing and printing paper with reference to capacity to manufacture paper and paper boards is—	Percentage of production of white printing paper with reference to the total production of paper and paper boards shall be—
not more than 50 per cent	20 per cent;
more than 50 per cent	25 per cent;

(2) Notwithstanding anything contained in sub-clause (1) on and from the commencement of the Paper (Regulation of Production) Amendment Order, 1983, a manufacturer whose installed capacity (by way of new unit or substantial expansion) —

(i) has been commissioned on or after 1-1-1976, but has not completed 5 years from the date of such commissioning, or

(ii) is to be commissioned on or after the date of commencement of the Paper Regulation of Production (Amendment) Order, 1983.

shall be required to produce white printing paper to the extent of 5 per cent in the first year, 10 per cent in the second year, 15 per cent in the third year, 20 per cent in the fourth year and 25 per cent in the fifth or subsequent years with reference to the total production of paper as specified in column (2) subject to the percentage of production of the writing and printing paper as specified in column 1 of the Table to sub-clause (1).

4. Manner of determining the capacity to manufacture.—The capacity to manufacture writing and printing paper and capacity to manufacture paper boards referred to in sub-clause (1) of clause 3 shall be determined on the basis of information furnished by the manufacturer under this Order and such other information, if any, as the manufacturer may be referred to furnish in this behalf."

4. In clause 10 of the said order.—

(i) in sub-clause (a.) for the words and figures "is less than 10,000 tonnes per annum", the words and figure "is not more than 16,500 tonnes per annum" shall be substituted;

(ii) sub-clauses (b) and (c) shall be omitted.

Published in the Gazette of India, Extraordinary, Part-II,
Section (i). No. 295 dated August 9, 1983.

MINISTRY OF FINANCE

G.S.R. 621 (E). New Delhi, the 9th August, 1983.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (i) These rules may be called the Central Excise (8th Amendment) Rules, 1983.

(2) They shall come into force on the 1st day of September, 1983.

2. In the Central Excise Rules, 1944, in rule 2.—

(1) for clauses (ii) and (ia), the following clauses shall be substituted, namely :—

(ii) "Collector" means.—

(A) in relation to excisable goods other than salt.—

(a) in the districts of Srikakulam, Visakhapatnam, East Godavary, West Godavary, Krishna, Guntur and Ongole (excluding Kanigiri, Podili and Ongole Darsi talukas of Ongole district) of the State of Andhra Pradesh, and in the territory of Yanam of the Union territory of Pondicherry, the Collector of Central Excise, Guntur;

(b) in the district of Hyderabad, Medak, Nizamabad, Karimnagar, Adilabad, Khammam, Nalgonda, Warangal, Mahbubnagar, Anantpur, Cuddapah, Kurnool, Chittoor, Nellore and Kanigiri, Podili, Darsi talukas of Ongole district of the State of Andhra Pradesh, the

Collector of Central Excise, Hyderabad;

(c) in the States of Meghalaya, Assam, Nagaland, Manipur and Tripura, and in the Union Territories of Arunachal Pradesh and Mizoram, the Collector of Central Excise, Shillong;

(d) in the State of Bihar, the Collector of Central Excise, Patna;

(e) in the Union Territory of Chandigarh, and in the States of Himachal Pradesh, Jammu and Kashmir and Punjab, the Collector of Central Excise, Chandigarh;

(f) in the Union Territory of Delhi, and in the State of Haryana, the Collector of Central Excise, Delhi;

(g) in the Territory of Goa of the Union Territory of Goa, Daman and Diu, the Collector of Central Excise, Goa.

(h) in the Districts of Kaira, Ahmedabad, Gandhinagar, Mehsana, Banaskantha, Sabarkantha and Dasada taluka of Surendranagar district, of the State of Gujarat, the Collector of Central Excise, Ahmedabad;

(i) in the districts of Surat, Bulsar, Dangs, Broach, Vadodara and Panchmahal of the State of Gujarat, in the Union Territory of Dadra and Nagar Haveli, and in the Union Territory of Daman of the Union Territory of Goa, Daman and Diu, the Collector of Central Excise, Vadodara;

(j) in the districts of Surendranagar (excluding Dasada Taluka), Rajkot, Jamnagar, Kutch, Amreli Bhavnagar and Junagadh, of the State of Gujarat, and in the territory of Diu of the Union Territory of Goa, of Daman and Diu, the Collector of Central Excise, Rajkot;

(k) in the districts of Tumkur, Kolar, Bangalore, Mandya and Mysore, of the State of Karnataka, the Collector of Central Excise, Bangalore;

(l) in the districts of the State of Karnataka other than those specified in item (k) above, the Collector of Central Excise, Belgaum;

(m) in the State of Kerala excluding the area comprised in Malakipara Tea Factory Range being a part of Pariyram village of Mukundapram taluka of Trichur district of the State of Kerala but including the areas comprised in Mabe commune of the Union Territory of Pondicherry, Kollukumalai Tea Factory Range being a part of Kottagudi village of Uthamapalayam taluka of Madurai district of the State of Tamil Nadu, and in the Union territory, of Lakshadweep, the Collector of Central Excise, Cochin;

(n) in the State of Madhya Pradesh, the Collector of Central Excise, Indore;

(o) in the districts of Ahmednagar, Nasik, Dhule Jalgaon, Sholapur, Aurangabad, Jalna, Parbhani, Chir, Osmanabad, Latur and Nanded, of the State of Maharashtra, the Collector of Central Excise, Aurangabad;

(p) in the area comprising Municipal Wards A to H and K East of the Municipal Corporation of Greater Bombay, of the State of Maharashtra, the Collector of Central Excise, Bombay-I,

(q) in the area other than those specified in p above, of the area comprising of Bassein, Palghar and Dahanu talukas of Thane district, of the State of Maharashtra, the Collector of Central Excise, Bombay-II;

(r) in the district of Chandra, Brandara, Nagpur, Akola, Buldana, Yeotmal, Amraoti, Wardha & Rajaura, of the State of Maharashtra, the Collector of Central Excise, Nagpur;

(s) in the districts of Pune, Sindhudurg, Ratnagiri, Sangli, Kolhapur and Satara of the State of Maharashtra, the Collector of Central Excise, Pune;

(t) in the districts of Raigarh and Thane excluding Bassein, palghar and Dahanu talukas of Thane district of the State of Maharashtra, the Collector of Central Excise, Thane;

(u) in the State of Orissa, the Collector of Central Excise Bhubaneswar;

(v) in the State of Rajasthan, the Collector of Central Excise, Jaipur;

(w) in the districts of Coimbatore, Periar, Nilgiris, Salem and Dharampuri of the State of Tamil Nadu, and the area comprised in Malakipara Tea Factory Range (being a part of Pariyaram village of Mukundapuram taluk of Trichur district of the State of Kerala) the Collector of Central Excise, Coimbatore;

(x) in the districts of Madras, Chinglepur, North Arcot, Villupuram, Gingee, Tirukoilur, Ulundurpet, Kallakurichi and Tindivaram (except Vanur Firka) talukas of South Arcot district of the State of Tamil Nadu, the Collector of Central Excise, Madras;

(y) in the districts of Trichirapally, Thanjavur, Pudukotiar, the talukas of Cuddalore Panruti, Chidambaram, Kattumannarkoil, Vridhachalam, Tittakudi and Vanur Firka of Tindivanam taluk of South Arcot district (including Neyveli Lignite corporation area, the talukas of Dindigul, Veda sandur, Palani, Nilakkottai, Kodaikanal, Periakulam, Uthamapalayam (except Kallukumalai Tea Factory Range) of Madurai district of the State of Tamil Nadu, and in the Union Territory of Pondichery (excluding Mahe Commune and the territory of Yanam of the Union Territory of Pondichery), the Collector of Central Excise, Tiruchirappalli;

(z) in the districts of the State of Tamil Nadu other than those specified in items (m), (w), (x), (y) above, the Collector of Central Excise, Madurai;

(za) in the districts of Allahabad Fatehpur, Pratapgarh, Banda, Azamgarh, Ballia, Ghazipur Varanasi, Gorakhpur, Gonda, Bahraich, Basti Deoria, Mirzapur Jaunpur, Lucknow, Barabanki, Sultanpur, Faizabad, and Rae Bareilly of the State of Uttar Pradesh, the Collector of Central Excise, Allahabad;

(zb) in the districts of Sitapur, Hardoi, Lakhimpur-Kheri, Shahjahanpur, Unnao, Kanpur, Jalaun, Jhansi, Hamirpur, Lalitpur, Agra Mathura, Etawah, Aligarh, Etah, Farukhabad, Mainpuri, Bareilly, Badun and Pilibhit, of the State of Uttar Pradesh, the Collector of Central Excise, Kanpur.

(zc) in the districts of the State of Uttar Pradesh other than those specified in items (za) and (zb) above, the Collector of Central Excise, North Uttar Pradesh Meerut;

(zd) in the districts of Calcutta, 24 Parganas, Howrah and Midnapur of the State of West Bengal and in the Union Territory of

of the Andaman and Nicobar Islands, the Collector of Central Excise, Calcutta;

(ze) in the districts of the State of West Bengal other than those specified in items (zd) above, and the State of Sikkim, the Collector of Central Excise, West Bengal;

(zf) in the area comprising the Kandla Free Trade Zone, the Development Commissioner, Kandla Free Trade Zone;

(B) In relation to Salt, the Salt Commissioner; and includes any Additional Collector and any officer specially authorised under rule 4 or rule 5 to exercise throughout any State or any specified area therein all or any of the powers of a Collector under these rules;

(lia) "Collector (Appeals)" means—

(a) in relation to an order or decision of an officer of Central Excise subordinate to—

- (i) the Collector of Central Excise, Goa;
 - (ii) the Collector of Central Excise, Ahmedabad;
 - (iii) the Collector of Central Excise, Vadodra;
 - (iv) the Collector of Central Excise, Rajkot;
 - (v) the Development Commissioner, Kandla Free Trade Zone;
 - (vi) the Collector of Central Excise, Aurangabad;
 - (vii) the Collector of Central Excise, Bombay-I,
 - (viii) the Collector of Central Excise, Bombay-II,
 - (ix) the Collector of Central Excise, Nagpur;
 - (x) the Collector of Central Excise, Pune;
 - (xi) the Collector of Central Excise, Thane;
- the Collector of Central Excise (Appeals), Bombay;

(b) in relation to an order or decision of an officer of Central Excise subordinate to—

- (i) the Collector of Central Excise, Patna;
 - (ii) the Collector of Central Excise, Shillong;
 - (iii) the Collector of Central Excise, Bhubaneswar;
 - (iv) the Collector of Central Excise, Calcutta;
 - (v) the Collector of Central Excise, West Bengal,
- the Collector of Central Excise (Appeals) Calcutta.

(c) in relation to an order or decision of an officer of Central Excise subordinate to—

- (i) the Collector of Central Excise, Chandigarh;
- (ii) the Collector of Central Excise, Delhi;
- (iii) the Collector of Central Excise, Indore;
- (iv) the Collector of Central Excise, Jaipur;
- (v) the Collector of Central Excise, Allahabad;
- (vi) the Collector of Central Excise, Kanpur;
- (vii) the Collector of Central Excise, North Uttar Pradesh, Meerut;

the Collector of Central Excise (Appeals), Delhi.

(d) In relation to an order or decision of an officer of Central Excise, subordinate to—

- (i) the Collector of Central Excise, Guntur;
- (ii) the Collector of Central Excise, Hyderabad;

- (iii) the Collector of Central Excise, Bangalore;
- (iv) the Collector of Central Excise, Belgaum;
- (v) the Collector of Central Excise, Cochin;
- (vi) the Collector of Central Excise, Coimbatore;
- (vii) the Collector of Central Excise, Madras;
- (viii) the Collector of Central Excise, Madurai;
- (ix) the Collector of Central Excise, Tiruchirapalli;
- the Collector of Central Excise (Appeals), Madras.

Published in the Gazette of India, Extraordinary, Part-II
Section (3 ii), No. 164 dated March 31, 1983

MINISTRY OF FINANCE

S.O 274 (E). *New Delhi dated March 31, 1983.*—In exercise of the powers conferred by Section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct-Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Sixth Amendment) Rules, 1983.**

(2) They shall come into force on the 1st day of April, 1983,

2. In Appendix II to the Income-tax Rules, 1962, in Form No. 34 B,—

(a) existing item 3 shall be renumbered as item 4, and before item 4 as so renumbered, the following item shall be inserted, namely :—

“3. Status (see Note 4).”;

(b) existing item 4 shall be omitted;

(c) for existing item 6, the following item shall be substituted, namely :—

“6. Proceedings to which application for settlement, relates, the date from which the proceedings are pending and the income-tax authority before whom the proceedings are pending (see Note 6)”;

(d) for existing item 8, the following item shall be substituted, namely ;—

8. “Particulars of the issues to be settled, nature and circumstances of the case and complexities of the investigation involved (see Note 7).”;

(e) existing Note 4 shall be renumbered as Note 5, and before Note 5 as so renumbered, the following Note shall be inserted, namely :—

“4. Please state whether individual, Hindu undivided family, company, firm, an association of persons etc.”;

(f) existing Note 8 and before note 8 as so renumbered, the following Notes shall be inserted, namely :—

"6. If the proceedings to which the application for settlement consist of assessment proceedings, indicate the designation of the Income-tax Officer/Inspecting Assistant Commissioner (Assessment) before whom the proceedings are pending indicating also the date of service of notice under section 139 (2)/section 148 of the Income-tax Act, 1961, or the date of reopening of the return under section 146 of the said Act, or, as the case may be, the date of filing of the return under section 139 of the said Act. Where the application for settlement relates to appellate proceedings, indicate the appellate authority before whom the appeal is filed and the date of filing of the appeal. In cases where the application for settlement relates to revision petition and whether the same is filed within time or not.

7. Full details of issues for which application for settlement is made, the nature and circumstances of the case and complexities of the investigation involved must be indicated against item 8. Where application relates to more than one assessment year, these details should be furnished assessment year-wise".

The following notification made by the President of India was Published in the Gazette of India, Extraordinary, Part II, section 3(ii) No. 329, dated July 29, 1983.

MINISTRY OF HOME AFFAIRS

S. O. 529 (E) *New Delhi, the 22nd July, 1983*:—In exercise of the powers conferred by clause (n) of article 371F of the Constitution the President hereby extends to the State of Sikkim the enactments specified in the Schedule annexed hereto, subject to the modifications if any, specified in that schedule and the following further modifications, namely :—

(1) Any reference in the said enactments to a law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State :

Provided that if any question arises as to who such corresponding functionary is, or if there is no such corresponding functionary, the Central Government shall decide as who such functionary will be and the decision of the Central Government shall be final.

(2) Notwithstanding anything contained in the relevant provision if any, of each such enactment for the commencement thereof, the provisions of such enactment shall come into force in the State of Sikkim on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different areas in the State of Sikkim and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

SCHEDULE

S. No.	Year	No.	Short Title	Modification
[1]	[2]	[3]	[4]	[5]
1.	1839	32—	Interest Act, 1839	In Section 1, after the words "if it shall think fit", the words "and subject to the provisions of any other law for the time being in force" may be added.
2.	1850	37—	Public Servants' Inquiries Act, 1850	In section 25. after the words "authority of Government" the words "or the authority to which the person accused is subordinate" may be added.
3.	1855	12—	Legal Representatives Suits Act, 1855	NIL
4.	1855	13—	Fatal Accidents Act, 1855	NIL
5.	1865	3—	Carriers' Act, 1865	NIL
6.	1872	9—	Contract Act, 1872	NIL
7.	1873	5—	Government Savings Bank Act, 1873	NIL
8.	1875	9	Indian Majority Act, 1875	NIL
9.	1882	4—	Trusts Act, 1882	NIL
10.	1882	4—	Transfer of Property Act, 1882	NIL
11.	1882	5—	Easements Act, 1882	NIL
12.	1882	7—	Powers-of-Attorney Act, 1882	NIL
13.	1890	1—	Revenue Recovery Act, 1890	NIL
14.	1890	8—	Guardians and Wards Act, 1890	NIL
15.	1891	18—	Bankers Books Evidence Act 1891	NIL
16.	1893	4—	Partition Act, 1893	NIL
17.	1895	15—	Government Grants Act, 1895	NIL
18.	1917	18 -	Post Office Cash Certificates Act 1917	NIL
19.	1920	33—	Identification of Prisoners Act, 1920	NIL
20.	1921	18—	Maintenance Orders Enforcement Act, 1921	NIL
21.	1922	22—	Police (Incitement to Disaffection) Act, 1922	NIL
22.	1923	8—	Workmen's Compensation Act, 1923	NIL
23.	1925	4—	Soldier's (Litigation) Act, 1925	NIL
24.	1925	19—	Provident Funds Act, 1925	NIL
25.	1930	2—	Dangerous Drugs Act, 1930	NIL
26.	1930	3—	Sale of Goods Act, 1930	NIL
27.	1932	9—	Partnership Act, 1932	The word "Verna-

			cular" in section 72, wherever it occurs may be omitted.	
28.	1938	5—Manoeuvres, Field Firing and Artillery Practice Act, 1938		NIL
29.	1938	20—Criminal Law Amendment Act, 1938		NIL
30.	1938	24—Employers Liability Act, 1938		NIL
31.	1939	30—Commercial Documents Evidence Act, 1939		NIL
32.	1940	10—Arbitration Act, 1940		NIL
33.	1940	23—Drugs and Cosmetics Act, 1940		NIL
34.	1947	18—Imports and Exports (Control) Act, 1947		NIL
35.	1955	22—Protection of Civil Rights Act, 1955		NIL
36.	1955	32—Prisoners (Attendance in Courts) Act, 1955		NIL
37.	1956	33—Inter-State Water Disputes Act, 1956		NIL
38.	1956	49—River Board Act, 1956		NIL
39.	1956	93—Young Persons (Harmful Publications) Act, 1956		NIL
40.	1956	104—Suppression of Immoral Traffic in Women and Girls Act 1956		NIL
41.	1956	20—Probation of Offenders Act, 1956		NIL
42.	1960	39—Prevention of Cruelty to Animal Act, 1960		NIL
43.	1963	36—Limitation Act, 1963		

(i) For section 30, the following may be substituted:—

"Notwithstanding anything contained in this Act, any suit, appeal or application, could be instituted, preferred or made before the commencement of this Act and for which the period of limitation is shorter than the period provided there for by law in force in Sikkim immediately before such commencement, may be instituted, preferred or made within the period provided by such law".

(ii) In section 31 (a)—for the words "Indian Limitation Act 1908, expired before the commencement of this Act",

the words "law in force in Sikkim immediately before the commencement of this Act, expired before such commencement" be substituted.

44.	1963	47—Specific Relief Act, 1963	NIL
42.	1969	44—Oaths Act, 1969	NIL
46.	1971	34—Medical Termination of Pregnancy Act, 1971	NIL
47.	1867	25—Press and Registration of Books Act, 1867	NIL
48.	1910	9—Electricity Act, 1910	NIL
42.	1948	54—Electricity (Supply) Act, 1948	NIL
50.	1953	32—Collection of Statistics Act, 1953	NIL
51.	1952	36—Indian Standards Institution (Certification Marks) Act, 1952	NIL
52.	1965	42—Cardamom Act, 1965	NIL
53.	1962	58—Warehousing Corporations Act, 1962	NIL

ZAIL SINGH, President

END

PART II

INDIAN PARLIAMENT ACTS, 1982

1983

THE EYES (AUTHORITY FOR USE FOR THERAPEUTIC PURPOSES) ACT, 1982

The following Act of Parliament received the assent of the President on the 7th August, 1982, and was published in the Gazette of India, Extraordinary Part II, Section I, No. 25, dated August 7, 1982.

INDIAN PARLIAMENT ACT NO. 29 OF 1982

An Act to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Eyes (Authority for Use for Therapeutic Purposes) Act, 1982.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise require,—

(a) “Administrator” means the Administrator of the Union Territory of Delhi appointed by the President under article 239 of the Constitution;

(b) “near relative”, in relation to a deceased person, means any person related to him as spouse, parent, son, daughter, brother or sister and includes any other person who is related to him—

(i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees; or

(ii) by marriage with any of the relatives aforesaid.

Explanation.—The expressions “lineal consanguinity” and “collateral consanguinity” shall have the meanings respectively assigned to them in the Indian Succession Act, 1925, (39 of 1925) and degrees of relationship shall be computed in the manner laid down in that Act;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “registered medical practitioner (ophthalmic)” means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, (102 of 1956) and possesses a post-graduate qualification in Ophthalmology or a certificate showing that he had received training in education procedure in the Ophthalmic Department of a hospital or teaching institution for therapeutic purposes approved by the Administrator in this behalf and who is enrolled on a State Medical Register as defined in clause (k) of the said section.

3. *Authority for removal of eyes of deceased persons.*—(1) If any person had, either in writing or orally, in the presence of two or more witnesses (at least one of whom is a near relative of such person) unequivocally authorised, at any time before his death, the use of his eyes, after his death, for therapeutic purposes (such person being hereafter in this sub-section referred to as the donor), the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authorisation aforesaid, grant to a registered medical practitioner (ophthalmic) all reasonable facilities for the removal, for therapeutic purposes, of the eyes from the dead body of the donor.

(2) Where no such authorisation as is referred to in sub-section (1) was made by any person before his death but no objection was also expressed by such person to his eyes being used after his death for therapeutic purposes, the person lawfully in possession of the body of the deceased person may, unless he has reason to believe that any near relative of the deceased person has objection to the deceased person's eyes being used for therapeutic purposes, authorise the removal of the eyes of the deceased person for their use for therapeutic purposes.

(3) The authority given under sub-section (1) or, as the case may be, under sub-section (2), shall be sufficient warrant for the removal for therapeutic purposes, of the eyes from the body of the deceased person; but no such removal shall be made by any person other than a registered medical practitioner (ophthalmic) who had satisfied himself, before such removal, by a personal examination of the body from which eyes are to be removed, that life is extinct in such body.

4. *Removal of eyes not to be authorised in certain cases.*—(1) No facilities shall be granted under sub-section (1) of section 3 and no authority shall be given under sub-section (2) of that section for the removal of eyes from the body of a deceased person if the person required to grant such facilities, or empowered to give such authority, has reason to believe that an inquest may be required to be held in relation to such body in pursuance of the provisions of any law for the time being in force.

(2) No authority for the removal of eyes from the body of a deceased person shall be given by a person to whom such body has been entrusted solely for the purpose of interment, cremation or other disposal.

5. *Authority for removal of eyes in case of unclaimed bodies in hospital or prison.*—(1) In the case of a dead body lying in a hospital or prison and not claimed by any of the near relative of the deceased person, the authority for the removal of the eyes from the dead body which so remains unclaimed may be given, subject to the provisions of sub-section (2), in the prescribed form, by the person in charge, for the time being, of the management or control of the hospital or prison or by an employee of such hospital or prison, authorised in this behalf by the person in charge of the management or control thereof.

(2) The authority referred to in sub-section (1) shall not be given except after the expiry of—

(i) half an hour from the time of the death of the concerned person, in cases where no facility for cold storage of the dead body is available in the hospital or prison; or

(ii) two hours from the time of the death of the concerned person, in cases where facility for cold storage of the dead body is available in the hospital or prison.

(3) No authority shall be given under sub-section (1) if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body even though such near relative has not come forward to claim the body of the deceased within the time specified in clause (i) or, as the case may be, clause (ii) of sub-section (2).

Explanation.—For the purposes of this section “hospital” includes a nursing home, medical or teaching institution for therapeutic purposes or other like institution.

6. *Authority for removal of eyes from bodies sent for post-mortem examination for medico-legal or pathological purposes*—Where the body of a person has been sent for post-mortem examination—

(a) for medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause; or

(b) for pathological purposes,
the person competent under this Act to give authority for the removal of the eyes from such dead body may, if he has reason to believe that the eyes will not be required for the purpose for which such body has been sent for postmortem examination authorise the removal for therapeutic purposes, of the eyes of such deceased person provided that he is satisfied that the deceased person had not expressed, before his death any objection to his eyes being used for therapeutic purposes after his death or, where he had granted an authority for the use of his eyes for therapeutic purposes after his death, such authority had not been revoked by him before his death.

7. *Preservation of eyes removed from dead bodies.*—After the removal of the eyes from the body of the deceased person, the registered medical practitioner (ophthalmic) shall take such steps for the preservation of the eyes so removed as may be prescribed.

8. *Savings*—(1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person if such dealing would have been lawful if this Act had not been passed.

(2) Neither the grant of any facility or authority for the removal of eyes from the body of a deceased person in accordance with the provisions of this Act nor the removal of eyes from the body of a deceased person in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Indian Penal Code (45 of 1860).

9. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10 Cessation of operation of Bombay Act 23 of 1957—(1) On the commencement of this Act, the Bombay Corneal Grafting Act, 1957, as in force in the Union territory of Delhi, shall cease to be in force in the Union territory of Delhi;

Provided that such cesser shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any authority granted, any direction or notice issued) under any provision of such enactment shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force unless and until superseded by anything done or any action taken under this Act.

(2) Any reference, in the enactment so ceasing to be in force, to any officer, authority or person entrusted with any functions thereunder, shall be construed, where necessary, as a reference to the corresponding officer, authority or person functioning under this Act.

11. Power to make rules.—(1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which removal of eyes from unclaimed bodies may be authorised as required by section 5.

(b) the preservation of removed eyes, as required by section 7;

(c) the publicity which may be given to the provisions and objects of this Act;

(d) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) ACT, 1982

The following Act of Parliament received the assent of the President on the 28th August, 1982, and was published in the Gazette of India, Extraordinary, Part II, Section I, No. 39, dated August 28, 1982.

INDIAN PARLIAMENT ACT NO. 43 OF 1982

An Act to determine the emoluments, allowances, and privileges of Governors.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the *Governors (Emoluments, Allowances and Privileges) Act, 1982.*

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “Governor” means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;

(b) “maintenance”,—

(i) in relation to official residences, includes the provision of electricity, gas and water;

(ii) in relation to motor vehicles, includes the pay and allowances of chauffeurs and the provision of oil and petrol or other fuel;

(c) “members of the family”, in relation to a Governor, means the spouse and the dependent children of the Governor;

(d) “official residences”, in relation to a Governor, means such residences as may be specified by the President, by notification in the Official Gazette, as the official residences of the Governor and includes staff quarters and other buildings appurtenant thereto and the gardens thereof;

(e) “rules” means rules made under this Act;

(f) “State” does not include a Union territory.

3. *Emoluments.*—There shall be paid to every Governor emoluments at the rate of rupees five thousand five hundred per mensem:

Provided that if a Governor, at the time of his appointment,—

(a) is in receipt of a pension (other than disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Government or under the Government of a State or any of its predecessor Governments his emolument shall be reduced,—

(i) by the amount of that pension; and

(ii) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and

(iii) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity; or

(b) is in receipt of any benefit by way of contributory provident fund, his emoluments shall be reduced by the pension equivalent of such benefit.

4. *Leave allowances.*—(1) Subject to any rules made in this behalf the President shall grant such leave to a Governor as he may consider necessary.

(2) Where a Governor is granted leave by the President, he shall, during the period of such leave, be paid leave allowance at such rate as the President may by order determine:

Provided that such leave allowance shall be reduced to the extent, if any, to which the emoluments of the Governor are liable to be reduced under the proviso to section 3.

5. *Use and maintenance of official residences.*—A Governor shall be entitled, without payment of rent, to the use of his official residences throughout his term of office and no charge shall fall on the Governor personally in respect of the furnishing or the maintenance of such residences.

6. *Household establishment.*—Subject to any rules made in this behalf, no charge shall fall on a Governor personally in respect of pay allowances or pension or other emoluments paid to, or facilities provided for, the members of the household establishment provided to the Governor.

7. *Medical treatment.*—Subject to any rules made in this behalf a Governor and the members of his family shall be entitled during the term of his office and thereafter also, to free medical attendance, accommodation and treatment in the hospitals maintained by the Central Government or the Government of any State.

8. *Conveyance.*—(1) A Governor shall be entitled to use without payment of rent or hire, such number of motor vehicles as the President may by order determine.

(2) No charge shall fall on a Governor personally in respect of the maintenance of the motor vehicles referred to in sub-section (1).

(3) The use of the motor vehicles referred to in sub-section (1) by the members of the family of a Governor shall be regulated by rules made in this behalf.

9. *Travelling allowance on assumption or vacation of office.*—Subject to any rules made in this behalf, a Governor shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects—

(a) in respect of the journey for assuming office from the place where he is ordinarily residing to the place of his duty; and

(b) in respect of the journey on relinquishing office from the place of his duty to the place where he would ordinarily reside thereafter or if he is to take up any other office under the Government (including the office of the Governor of another State) after such relinquishment, to the place of duty with respect to such other office.

10. *Allowances for renewing furnishings and for maintenance of official residences.*—Subject to any rules made in this behalf, a Governor, shall be entitled to such allowances for renewing the furnishing and for the maintenance of the official residences, as the President may by order determine.

11. *Other privileges and allowances.*—For the purpose of enabling the Governor to discharge conveniently and with dignity the duties of his office, he shall be—

(i) entitled to such other privileges as may be prescribed by rules made in this behalf, and

(ii) paid, subject to any rules made in this behalf, such amount, as the President may, by general or special order, determine by way of the following, namely:—

- (a) entertainment allowance;
- (b) hospitality grant;
- (c) household establishment expenses;
- (d) office expenses;
- (e) contract allowance, i.e., an allowance for miscellaneous expenses;
- (f) tour expenses; and
- (g) such other allowances or expenses as may be provided for by rules

12. *Additional expenses.*—(1) Where, in the case of any Governor, the President is satisfied that amount authorised under this Act by way of any allowances or for meeting any expenses with respect to any expenses with respect to any matter requires to be increased or that a need has arisen to sanction expenses with respect to any matter for which provision, though permissible, has not been made in the rules made under this Act, he may by special order increase such amount or sanction such expenses to such extent as may be specified in such order.

(2) An order may be made under sub-section (1) so as to have retrospective effect.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before both Houses of Parliament.

13. *Power to make rules.*—(1) The President may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act,

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) grant of leave to a Governor under section 4;
- (b) matters relating to the household establishment provided to a Governor under section 6;
- (c) medical attendance, accommodation and treatment of a Governor and the members of his family under section 7;
- (d) the use of motor vehicles by the members of the family of a Governor under sub-section (3) of section 8;
- (e) the travelling allowance on assumption or vacation of office of a Governor under section 9;

(f) allowances for renewing the furnishings and for the maintenance of the official residences under section 10;

(g) the privileges to which a Governor is entitled and the allowances or expenses payable to a Governor under section 11.

(3) Every rule made by the President under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. *Validation.*—(1) Every special order issued, before the commencement of this Act, by the President in regard to the allowances, expenses (including medical expenses) or privileges of any Governor (other than the Governor of Nagaland) shall, notwithstanding that such order was made with retrospective effect, or is inconsistent with any general order issued under any law with respect to those matters, be as valid and effective as if such special order formed part of this sub-section and this sub-section had been in force at all material times.

(2) Every general or special order issued, before the commencement of this Act, by the President in regard to the allowances, expenses (including medical expenses) or privileges of the Governor of Nagaland shall, notwithstanding that such order was made with retrospective effect, be as valid and effective as if it formed part of this sub-section and this sub-section had been in force at all material times.

15. *Saving.*—Nothing contained in this Act or the rules made thereunder shall have effect so as to diminish the emoluments and allowances of any Governor during his term office.

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on the 14th April 1982, and was published in the the Gazette of India, (Extraordinary), Part II, Sec. 1, No. 9, dated April 15 1982.

INDIAN PARLIAMENT ACT NO 13 of 1982.

An Act further to amend the Central Silk Board Act, 1948.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Silk Board (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*—In section 4 of the Central Silk Board Act, 1948 (61 of 1948) (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely :—

“(5) Subject to the other provisions of this Act, the term of office of a member shall be such period, not exceeding three years, as may be prescribed.

(6) Notwithstanding anything contained in sub-section (5),—

(a) the Central Government may terminate the appointment of the Chairman after giving him notice for a period of not less than three months;

(b) the Chairman may resign his office by giving notice for a period of not less than three months to the Central Government, and on such resignation being notified in the Official Gazette by that Government, Chairman shall be deemed to have vacated his office.”

3. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “which may be comprised in one session or in two or more

successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

THE ASSAM STATE LEGISLATURE (DELEGATION OF
POWERS) ACT, 1982

The following Act of Parliament received the assent of the President on the 21st May, 1982 and was published in the Gazette of India, (Extraordinary), Part II, Sec. 1 No 21, dated May 22, 1982.

INDIAN PARLIAMENT ACT NO. 25 OF 1982

An Act to confer on the President the power of the Legislature of the State of Assam to make laws

Be it enacted by Parliament in the Thirty-third year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Assam State Legislature (Delegation of Powers) Act, 1982.

2. *Definition.*—In this Act, "Proclamation" means the Proclamation issued on the 19th day of March, 1982 under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No G. S. R. 256 (E) of the said date.

3. *Conferment on the President of the power of the State Legislature to make laws.*—(1) The power of the Legislature of the State of Assam to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary :

Provided that before enacting any such Act the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of thirty members of the House of the People nominated by the Speaker and fifteen members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modification to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modification shall be given effect to by the President by enacting an amending Act under sub-section (2).

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1982

The following Act of Parliament received the assent of the President on the 21st May, 1982 and was published in the Gazette of India, Extraordinary, Part II, Sec. 1, No. 19, dated May 22, 1982.

INDIAN PARLIAMENT ACT NO. 23 OF 1982

An act to amend the Wild Life (Protection) Act, 1972.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Wild Life (Protection) Amendment Act, 1982.

2. *Amendment of section 12.*—In section 12 of the Wild Life (Protection) Act, 1972 (53 of 1972) (hereinafter referred to as the principal Act),—

(a) in the opening paragraph, the words, “with the previous permission of the State Government,” shall be omitted;

(b) for clause (b), the following clauses and Explanation shall be substituted, namely :—

‘(b) scientific research;

(bb) scientific management.

Explanation.—For the purposes of clause (bb), the expression “scientific management” means—

(i) translocation of any wild animals to an alternative suitable habitat; or

(ii) population management of wild life, without killing or poisoning destroying any wild animal; ;

(c) after clause (c) the following proviso shall be inserted, namely :
“Provided that no such permit shall be granted—

(a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government.”

3. *Amendment of section 44.*—In section 44 of the principal Act,—

(a) in sub-section (3), the words “within fifteen days from the commencement of this Act,” shall be omitted;

(b) in sub-section (4), for clause (b), the following clause shall be substituted, namely :—

“(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have on the status of wild life and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.”

4. *Amendment of section 63.*—In section 63 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

“(aa) the matters to be prescribed under clause (b) of sub-section (4) of section 44;”

THE MAJOR PORT TRUSTS (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on the 11th May, 1982 and was published in the Gazette of India, (Extraordinary), Part II, Sec. 1, No. 13, dated May 11, 1982.

INDIAN PARLIAMENT ACT NO. 17 OF 1982

An Act further to amend the Major Port Trusts Act, 1963.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Major Port Trusts (Amendment) Act, 1982**.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Major Port Trusts Act, 1963 (38 of 1963) (hereinafter referred to as the Principal Act),—

(a) in clause (e), for the words “the Deputy Chairman of a Board”, the words “the Deputy Chairman, or, as the case may be, a deputy chairman of a Board” shall be substituted ;

(b) in clause (p),—

(i) after the words “floating barge”, the word “, transhipper” shall be inserted ;

(ii) the following Explanation shall be inserted at the end, namely :—

“*Explanation.*—For the purposes of this clause “transhipper” means a floating craft or vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a ship ;”.

3. *Amendment of section 3.*—In section 3 of the principal Act in sub-section (1), for clause (b), the following clause shall be substituted, namely :—

(b) one Deputy Chairman or more, as the Central Government may deem fit to appoint;”.

4. *Insertion of new section 14A.*—After section 14 of the principal Act, the following section shall be inserted, namely :—

“14A. *Acting Chairman or Deputy Chairman.*—The Central Government may, pending the consideration of the question as to who may be appointed as Chairman or Deputy Chairman of a Board under section 3 or section 4, appoint a person to be the acting Chairman or Deputy Chairman thereof and notify his name in the Official Gazette and the person so appointed shall, until the Central Government by notification in the Official Gazette otherwise direct, be deemed for the purposes of this Act, to be the Chairman or Deputy Chairman of such Board appointed under section 3 or section 4 as the case may be”.

5. *Amendment of section 17.*—In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1) or any other provision of this Act, the Board may appoint a person who is not a Trustee to be a member of any committee constituted under

that sub-section and a person so appointed shall, for the purpose of the discharge of his functions as such member, be deemed to be a Trustee."

6. *Amendment of section 18.*—Section 18 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) A member of a committee appointed under sub-section (1A) of section 17 shall be paid the same fees and allowances for attending the meetings of the committee and for attending to any other work of the Board as are payable to a trustee under sub-section (1) :

Provided that the Board may, with the prior approval of the Central Government, pay to any such member fees and allowances at a rate higher than that provided in the case of Trustee."

7. *Amendment of section 24.*—In section 24 of the principal Act, in sub section (1)—

(a) in clause (a), for sub-clause (iii), the following sub-clause shall be substituted, namely :—

(iii) the maximum of the pay scale of which (exclusive of allowances) exceeds such amount as the Central Government may, by notification in the official Gazette, fix;" ;

(b) in the proviso, for the words "at the port", the words "at that or any other port" shall be substituted.

8. *Amendment of section 25.*—In section 25 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, after the word "reducing," the words "compulsorily retiring" shall be inserted ;

(ii) in the proviso, after the words "reduction in rank," the words "compulsory retirement," shall be inserted ;

(b) in sub-section (2), in the opening portion, after the words "reduction in rank," the words "compulsory retirement," shall be inserted.

9. *Amendment of section 27.*—In section 27 of the principal Act, in clause (a), for the words "exceeds two thousand rupees, be exercisable by the Central Government ;", the words "exceeds such amount as the Central Government may, by notification in the Official Gazette, fix, be exercisable by that Government ;" shall be substituted.

10. *Amendment of section 28.*—In section 28 of the principal Act, in clause (a), after the word "suspension," the words "reduction in rank, compulsory retirement," shall be inserted.

11. *Amendment of section 34.*—In section 34 of the principal Act, in sub-section (1) after the words "the Chairman"; the words "or by any such officer of the Board not below the rank of the Head of a department as the Chairman may, by general or special order, authorise in this behalf" shall be inserted.

12. *Amendment of section 39.*—In section 39 of the principal Act, for the words "the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding one thousand rupees", the words "the Board may charge, by way of penalty, in respect of such vessel such sum as it thinks fit, not exceeding ten thousand rupees" shall be substituted.

13. *Amendment of section 49.*—In section 49 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Notwithstanding anything contained in sub-section (1), the Board may, by auction or by inviting tenders, lease any land or shed belonging to it or in its possession or occupation at a rate higher than that provided under sub-section (1).”

14. *Amendment of section 85.*—In section 85 of the principal Act, in the proviso, in clause (b), for the words “such amount not exceeding ten lakhs of rupees, as the Central Government may fix in this behalf”, the words “such amount as the Central Government may fix in this behalf and different amounts may be fixed with respect to different Boards” shall be substituted.

15. *Amendment of section 96.*—In section 96 of the principal Act,—

(a) in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

“Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards”;

(b) in sub-section (2), for the portion beginning with the words “such amount or loss does not exceed” and ending with the words “reasons for such sanction”, the following shall be substituted, namely :—

“such amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards”;

(c) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) In every case in which the Chairman sanctions the writing off of any amount or loss under sub-section (2), he shall make a report to the Board giving reasons for such sanction.”

16. *Amendment of section 113.*—In section 113 of the principal Act,—

(a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;

(b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

17. *Amendment of section 114.*—In section 114 of the principal Act,—

(a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

(b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

18. *Amendment of section 115.*—In section 115 of the principal Act,—

(a) for the words "twice", the words "ten times" shall be substituted;

(b) for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

19. *Amendment of section 117.*—In section 117 of the principal Act, for the words "two hundred rupees" the words "two thousand rupees" shall be substituted.

20. *Amendment of section 124.*—In section 124 of the principal Act,—

(a) in sub-section (2), after the words "such regulations", the words "other than a regulation made under section 28," shall be inserted;

(b) in sub-section (3),—

(a) for the words "two hundred rupees", the words "two thousand rupees" shall be substituted;

(b) for the words "fifty rupees", the words "five hundred rupees" shall be substituted;

(c) after sub-section (3), the following sub-sections shall be inserted, namely :—

"(4) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT ACT, 1982

The following Act of Parliament received the assent of the President on the 11th May, 1982 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No. 14, dated 11th May, 1982.

INDIAN PARLIAMENT ACT NO. 18 OF 1982

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946.

Be it enacted by Parliament in the Thirty-third year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) (hereinafter referred to as the principal Act);—

(a) to clause (b), the following proviso shall be added, namely :—

"Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that

Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties;";

(b) for clause (i), the following clause shall be substituted, namely :—

(i) "wages" and "workman" have the meanings respectively assigned to them in clause (rr) and (s) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947)."

3. *Amendment of section 6*—In section 6 of the principal Act, in sub-section (1), for the words "Any person", the words "Any employer, workman, trade union or other prescribed representatives of the workmen" shall be substituted.

4. *Amendment of section 10*.—In section 10 of the principal Act,—

(a) in sub-section (1), after the words "the workmen" the words "or a trade union or other representative body of the workmen" shall be inserted;

(b) in sub-section (2),—

(i) after the words "or workmen", the words "or a trade union or other representative body of the workmen" shall be inserted,

(ii) after the words "and the workmen", the words "or a trade union or other representative body of the workmen" shall be inserted.

5. *Insertion of new section 10A*.—After section 10 of the principal Act, the following section shall be inserted, namely :—

"10A. *Payment of subsistence allowance*.—(1) Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance—

(a) at the rate of fifty per cent of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension; and

(b) at the rate of seventy-five per cent of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman.

(2) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (1), the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Dispute Act, 1947 (14 of 1947), within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situate and the Labour Court to which the dispute is so referred shall, after giving the parties an opportunity of being heard decide the dispute and such decision shall be final and binding on the parties.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State

are more beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State".

6. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (1), for the words and figure "sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)" the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted.

7. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (4), for the words "a Presidency Magistrate or Magistrate of the second class", the words "a Metropolitan Magistrate or Judicial Magistrate of the second class" shall be substituted.

8. *Amendment of section 13A.*—In section 13A of the principal Act, after the words "or workman", the words "or a trade union or other representative body of the workmen" shall be inserted.

9. *Amendment of section 15.*—In section 15 of the principal Act, in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

THE APPROPRIATION (NO. 2) ACT, 1982

The following Act of Parliament received the assent of the President on the 11th May, 1982 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No. 15, dated May 11, 1982.

INDIAN PARLIAMENT ACT NO. 19 OF 1982

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

[Text of the Act omitted.]

THE APPROPRIATION (RAILWAYS) ACT, 1982

The following Act of Parliament received the assent of the President on the 28th March, 1982 and was published in the Gazette of India, (Extra.) Part II Sec. 1, No. 6, dated March 30, 1982.

INDIAN PARLIAMENT ACT NO. 7 OF 1982

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1982-82 for the purposes of Railways.

[Text of the Act omitted.]

THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1982

The following Act of Parliament received the assent of the President on the 28th March, 1982 and was published in the Gazette of India, (Extra.), Part II Sec. 1 No. 6, dated March 30, 1982.

INDIAN PARLIAMENT ACT NO. 8 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

[Text of the Act omitted.]

THE CUSTOMS TARIFF (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on the 11th May, 1982, and was published in the Gazette of India, Extraordinary, Part II, Sec. 1, No. 11, dated 11th May, 1982.

INDIAN PARLIAMENT ACT NO. 15 OF 1982

An Act further to amend the Customs Tariff Act, 1975.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Customs Tariff (Amendment) Act, 1982

2. *Amendment of the First Schedule.*—In the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the principal Act), in Chapter 73,—

Heading No.	Sub-heading No. and description of article	Rate of duty		Duration when rates of duty are protective
		Standard	Preferential Areas	
(1)	(2)	(3)	(4)	(5)
(a) in Heading No. 73.15, for sub-headings (1) and (2), the following Sub-headings shall be substituted, namely :—				
	(1) Not elsewhere specified.....	300%		
	(2) Coils for re-rolling, bars (including bright bars), rods, wire rods, wire circles, angles, shapes and sections, strips, sheets and plates, of stainless steel	300%		
(b) for Heading Nos. 73.16, 73.17/19, 73.20, 73.21 and 73.22/23, the following Headings shall be substituted, namely :—				
(1)	(2)	(3)	(4)	(5)
73.15	Railway and tramway track construction material of iron or steel, the following : rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish plates, chairs, chair wedgers, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails			
	(1) Not elsewhere specified	40%		
	(2) Of stainless steel	300%		
73.17/19	Tubes and pipes and blanks therefor of iron or steel			
	(1) Other than of stainless steel :—			
	(i) Not elsewhere specified	60%		
	(ii) Drilling tubes and pipes and blanks thereof	40%		
	(iii) Tubes and pipes for boiler falling within Heading No. 84.01/02 and blanks therefor.	40%		

(1)	(2)	(3)	(4)	(5)
(iv) Tubes and pipes sheathed or lined with corrosion-resisting material, such as glass rubber and plastic	40%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.20 Tube and pipe fittings (for example, joints, elbows, unions and flanges), of iron or steel :				
(1) Not elsewhere specified	60%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.21 Structures and parts of structures (for example, hangers and other buildings, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, door and window frames, shutter, balustrades, pillars and columns), of iron or steel; plates, strips, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel :				
(1) Not elsewhere specified	40%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.22/23 Reservoirs, tanks, vats, casks, drums, cans, boxes and similar containers for any material (other than compressed or liquefied gas), of iron or steel :				
(1) Not elsewhere specified	60%	...	...	...
(2) Of stainless steel	300%	...	...	...
(c) For Heading Nos, 73.25, 73.26, 73.27/28 and 73.29, the following Headings shall be substituted, namely :—				
73.25 Stranded wire, cables, cordage, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables :				
(1) Not elsewhere specified	60%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.26 Barbed iron or steel wire; twisted hood or single fiat wire, barbed or not, or loosely twisted double wire, of kinds used for fencing, of iron or steel :				
(1) Not elsewhere specified	60%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.27/28 Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials, of iron or steel wire; expanded metal of iron or steel:				
(1) Not elsewhere specified	60%	...	...	...
(2) Of stainless steel	300%	...	...	...
73.29 Chain and parts thereof, of iron or steel:				
(1) Other than of stainless steel:				

(1)	(2)	(3)	(4)	(5)
(i)	Not elsewhere specified	60%	...	...
(ii)	Mooring chains	40%	...	...
(2)	Of stainless steel	300%	...	...
(d) for Heading No. 73.33/40, the following Heading shall be substituted, namely:—				
“73:33/40 Other articles of iron or steel:				
(1)	Not elsewhere specified	100%	...	...
(2)	Of stainless steel	300%	...	...

3. *Amendment with respect to stainless steel articles to have retrospective effect.*—The amendment made by clause (a) of section 2 in Heading No. 73.15 of the First Schedule to the principal Act, in so far as it relates to the standard rate of duty on circles, angles, shapes and sections of stainless steel shall be deemed to have always had, effect on and from the 1st day of January, 1981, but during the period commencing from that day and ending with the date of introduction of the Customs Tariff (Amendment) Bill, 1982 in the House of the People—

(a) such circles, angles, shapes and sections shall be deemed to have been exempt from so much of the duty, of customs leviable thereon under the said First Schedule as amended by the said amendment as is in excess of the rate of 220 per cent. *ad valorem* ;

(b) the rate of auxiliary duty of customs chargeable on such circles, angles, shapes and sections shall be, and shall be deemed to have been, the same as that chargeable on sheets falling under sub-heading No. (2) of the said Heading No. 73.15.

THE CUSTOMS TARIFF (SECOND AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the Vice-President discharging the functions of the President on the 21st October, 1982, and was published in the Gazette of India, Extraordinary, Part II, Sec. 1, No. 50, dated October 21, 1982.

INDIAN PARLIAMENT ACT NO. 52 OF 1982

An Act further to amend the Customs Tariff Act, 1975

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement* —(1) This Act may be called the Customs Tariff (Second Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 9.*—In section 9 of the Customs Tariff Act, 1975 (51 of 1975), (hereinafter referred to as the principal Act),—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Where any country or territory pays, or bestows, directly or indirectly, any bounty or subsidy upon the manufacture or production therein or the exportation therefrom of any article, then, upon the importation of any such article into India, whether the same is imported

directly from the country of manufacture, production or otherwise, and whether it is imported in the same condition as when exported from the country of manufacture or production or has been changed in condition by manufacture, production or otherwise, the Central Government may, by notification in the Official Gazette, impose,—

(i) if the article is not otherwise chargeable with duty under the provisions of this Act, a duty ; or

(ii) if the article is otherwise so chargeable, an additional duty, not exceeding the amount of such bounty or subsidy ;

Provided that the Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the amount of such bounty or grant, impose a duty or additional duty under this sub-section not exceeding the amount of such bounty or subsidy as provisionally estimated by it and if such duty or additional duty exceeds such bounty or subsidy as so determined,—

(a) the Central Government shall, having regard to such determination and as soon as may be after such determination, reduce such duty or additional duty ; and

(b) refund shall be made of so much of such duty or additional duty which has been collected as is in excess of the duty or additional duty as so reduced.” ;

(b) in sub-section (2),—

(i) for the words “net amount of any such bounty or grant”, the words “amount of any such bounty or subsidy” shall be substituted ;

(ii) for the words “additional duty”, the words “duty or additional duty, as the case may be,” shall be substituted.

3. *Insertion of new sections 9A and 9B.*—After section 9 of the principal Act, the following sections shall be inserted, namely :—

‘9A. (1) Where any article is exported from any country or territory (hereafter in this section referred to as the exporting country or territory) to India at less than its normal value, then, upon the importation of such article into India, the Central Government may, by notification in the Official Gazette, impose,—

(a) if the article is not otherwise chargeable with duty under the provisions of this Act, a duty ; or

(b) if the article is otherwise so chargeable, an additional duty, not exceeding the margin of dumping in relation to such article ;

Provided that the Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the normal value and the margin of dumping in relation to any article, impose on the importation of such article into India a duty or additional duty under this sub-section on the basis of a provisional estimate of such value and margin and if such duty or additional duty exceeds the margin as so determined,—

(a) the Central Government shall, having regard to such determination and soon as may be after such determination, reduce such duty or additional duty ; and

(b) refund shall be made of so much of such duty or additional duty which has been collected as is in excess of such duty or additional duty as so reduced.

Explanation.—For the purposes of this section,—

(a) “margin of dumping”, in relation to an article, means the difference between the price at which such article is exported and its normal value ;

(b) “normal value”, in relation to an article, means—

(i) the comparable price in the ordinary course of trade for the said article or like article when meant for consumption in the exporting country or territory as determined under sub-section (2); or

(ii) where such comparable price cannot be ascertained because of the particular market situation or for any other reason, such value shall be either—

(A) the highest comparable price for the said article or like article from the exporting country or territory to any third country in the ordinary course of trade as determined under sub-section (2); or

(B) the cost of production of the said article or like Article in the country of origin along with reasonable addition for selling and any other cost, and for profits, as determined under sub-section (2).

(2) Subject to any rules made under sub-section (3), the Central Government shall, after making due allowance in each case for differences in conditions and terms of sale, for differences in taxation and for other differences affecting price comparability, and, after such inquiry as it may consider necessary, determine, for the purposes of sub-section (1), the export price and the normal value of, and the margin of dumping in relation to, any article.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for any duty or additional duty under sub-section (1) may be identified, and for the manner in which the export price and the normal value of, and the margin of dumping in relation to, such articles may be determined and for the assessment and collection of such duty or additional duty.

(4) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.

9B. No levy under section 9 or section 9A in certain cases in the absence of injury to industry in India.—(1) Notwithstanding anything contained in section 9 or section 9A, the Central Government shall not levy any duty or additional duty under either of those sections on the import into India of any article from any country or territory to which this section applies unless that Government, after making investigation in accordance with the rules made under sub-section (3), declares, by notification in the Official Gazette, that the import of such article into India causes or threatens material injury to any industry established in India or materially retards the establishment of any industry in India.

(2) This section applies to every country or territory which is specified by the Central Government by notification in the Official Gazette to be a country or territory which, by reason of its being a party to the General Agreement on Tariff and Trade or by reason of any agreement between it and India for giving the most-favoured

nation treatment or for any other reason, levies duty or additional duty of the nature referred to in section 9 or section 9A or articles imported from India only when such import causes or threatens any material injury to any industry established in such country or territory or materially retards the establishment of such industry.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which any investigation may be made for the purposes of sub-section (1), the factors to which regard shall be had in any such investigation and for all matters connected with such investigation.

(4) Every notification issued under sub-section (1) or sub-section (2) shall, as soon as may be after it is issued, be laid before each House of Parliament.

Explanation.—For the purposes of this section, “industry”, in relation to any article, includes the manufacture or production of like article, any activity connected therewith and the persons engaged in such production, manufacture or activity.

THE POWERS-OF-ATTORNEY (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the Vice-President discharging the functions of the President on the 22nd October, 1982, and was published in the Gazette of India, Extraordinary Part II Sec. 1, No. 53, dated October 23, 1982.

INDIAN PARLIAMENT ACT No 55 OF 1982

An Act further to amend the Powers-of-Attorney Act, 1882.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—The Act may be called the Powers-of-Attorney (Amendment) Act, 1982.

2. *Insertion of new section 1A.*—In the Powers-of-Attorney Act, 1882 (7 of 1882.) hereinafter referred to as the principal Act), after section 1, the following section shall be inserted, namely:—

“1A. *Definition.*—In this Act, “power-of attorney” includes any instrument empowering a specified person to act for and in the name of the person executing it.”

3. *Amendment of section 2.*—In section 2 of the principal Act, the word “assurance,” occurring at both the places shall be omitted.

4. *Amendment of section 3.*—In section 3 of the principal Act, the words “lunatic”, “or bankrupt”, “lunacy,” and “bankruptcy,” shall be omitted.

5. *Amendment of section 4.*—In section 4 of the principal Act, in clause (a) and clause (d), after the words “the High Court”, the words “District Court” shall be inserted.

6. *Amendment of section 5.*—In section 5 of the principal Act, for the words “A married woman, whether a minor or not, shall, by virtue of this Act, have power, as if she were unmarried and of full age” the words “A married woman of full age shall, by virtue of this Act, have power, as if she were unmarried,” shall be substituted.

**THE CENTRAL EXCISE LAWS (AMENDMENT AND
VALIDATION) ACT, 1982**

The following Act of Parliament received the assent of the Vice-President discharging the functions of the President on the 25th October, 1982, and was published in the Gazette of India, Extra ordinary Part II Sec. I, No. 56, dated, October 29, 1982.

INDIAN PARLIAMENT ACT NO. 58 OF 1982

An Act to provide for the amendment of laws relating to central excise and to validate duties of excise collected under such laws.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Excise Laws (Amendment) and Validation) Act, 1982.

(2) It shall be deemed to have come into force on the date of commencement of the Central Excises and Salt Act, 1944 (1 of 1944).

2. *Provisions as to exemption from duty of excise or fixing rate of such duty under certain Central laws and validation.*—(1) In this section,—

(a) “Central Excises Act” means the Central Excises and Salt Act 1944 (1 of 1944) ;

(b) “Central law” means a Central Act other than the Central Excises Act and includes a declared provision within the meaning of section 2 of the Provisional Collection of Taxes Act, 1931. (16 of 1931.) ;

(c) “exemption” in relation to any duty of excise, means exemption from the whole or any part of such duty ;

(d) “preamble”, in relation to any notification or order, means that part of the notification or order which refers to the powers in exercise or in pursuance of which such notification or order is issued or made.

(2) Every Central law providing for the levy and collection of any duty of excise which makes the provisions of the Central Excises Act and the rules made thereunder applicable by reference to the levy and collection of the duty of excise under such Central law shall have and shall be deemed always to have had, effect with respect to the matters dealt with in sub-section (3) in the manner provided in that sub-section and this Act shall be construed as one with such Central law.

(3) Where any Central law providing for the levy and collection of any duty of excise makes the provisions of the Central Excises Act and the rules made thereunder applicable by reference to the levy and collection of the duty of excise under such Central law, then,—

a) it shall be necessary for the purpose of granting, by any notification or order, any exemption from any duty of excise, or fixing by any notification or order, any rate of duty, leviable under such Central law to expressly refer to the provision of the said Central law in the preamble to such notification or order, or to the state by express words in such notification or order that the exemption provided for, or the rate of duty fixed, by such notification or order is an exemption from, or the rate of duty under, such Central law ;

(b) no notification or order issued or made under the Central Excises Act or the said rules (whether issued or made before, on or after the 24th day of September, 1982 and whether or not in force on such date) granting any exemption from any duty of excise or fixing any rate of such duty shall have the effect of, or be construed as providing for exemption from the duty of excise leviable, or, as the case may be, fixing the rate of duty, under the said Central law, unless such notification or order—

(i) expressly refers to the provisions of the said Central law in the preamble; or

(ii) by express words, provides for an exemption from the duty of excise leviable, or, as the case may be, fixes the rate of duty, under the said Central law; and

(c) every notification or order of the nature referred to in clause (b) which expressly refers to the provisions of any Central law or Central laws in the preamble, shall have the effect of, and be construed as, providing for exemption from the duty of excise leviable, or, as the case may be, fixing a rate of duty, only under such Central law or Central laws, unless such notification or order also, by express words, provides for an exemption from the duty of excise leviable, or, as the case may be, fixes the rate of duty, under the Central Excises Act.

(4) Every notification or order granting any exemption or fixing a rate of duty issued or made under the Central Excises Act or the rules made thereunder at any time whatsoever before the 24th day of September, 1982 shall have, and shall be deemed always to have had, effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action or thing taken or done, or purporting to have been taken or done, under the Central Excises Act or the said rules or any Central law in any case by virtue of such notification or Order, shall be deemed to be, and to have always been, for all purposes as validly and effectively taken or done as if the foregoing provisions of this section had been in force at all material times, and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing, —

(a) all duties of excise levied, assessed or collected, with respect to any goods under the Central Excises Act or the said rules or any Central law shall be deemed to be, and shall be deemed always to have been, validly levied, assessed or collected as if the foregoing provisions of this section had been in force at all material times;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of, any decree or order directing the refund of, any duties of excise which have been collected which would have been in force at all material times;

(c) refunds shall be made of all such duties of excise which have been collected but which would not have been collected if the foregoing provisions of this section had been in force at all material times; and

(d) recoveries shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded if the foregoing provisions of this section had been in force at all material times.

(5) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

3. *Repeal and saving.*—(1) The Central Excise Laws (Amendment and Validation) Ordinance, 1982 (1 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ACT, 1982

The following Act of Parliament having been assented to by the President on the 7th August, 1982, was published in the Gazette of India, Extraordinary Part II, Section 1, No. 26, dated August 9, 1982.

INDIAN PARLIAMENT ACT NO. 30 OF 1982

An Act further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title and commencement.* (1) This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969). (hereinafter referred to as the principal Act),—

(a) in clause (d),—

(i) for the portion beginning with the words “dominant undertaking” means and ending with the words “rendered in India or any substantial part thereof:”, the following shall be substituted, namely:—

“dominant undertaking” means—

(i) an undertaking which has all the following three features, that is to say,—

(ai) it is an undertaking within the purview of the Industries Act;

(bi) it has a licensed capacity for the production of goods of any description; and

(ci) its licensed capacity for the production of such goods or the aggregate of its licensed capacity and of the licensed capacity of interconnected undertakings for the production of such goods is not less than one-fourth of the total installed capacity in India for the production of such goods; or

(ii) an undertaking which has all the following three features, that is to say,—

(a) it is an undertaking within the purview of the Industries Act;

(b) it, by itself or along with inter-connected undertakings produces, supplies, distributes or otherwise controls not less than one-fourth of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof; and

(c) it has no licensed capacity for the production of such goods; or

(iii) an undertaking which has both the following features, that is to say,—

(a) it is not an undertaking within the purview of the Industries Act; and

(b) it, by itself or along with inter-connected undertakings produces, supplies, distributes or otherwise controls not less than one-fourth of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof; or

(iv) an undertaking which provides or otherwise controls not less than one-fourth of any services that are rendered in India or any substantial part thereof;

(ii) in the proviso, for the words “this clause”, the words, brackets and figures “sub-clause (ii) and (iii) of this clause” shall be substituted;

(iii) in Explanation, I, for the words “not less than one-third of”, the words “the licensed capacity of inter-connected undertakings for the production of any goods is not less than one-fourth of the installed capacity for the production of such goods or not less than one-fourth of” shall be substituted, and for the words “any service”, the words “any service, as the case may be,” shall be substituted;

(iv) for Explanation III, the following Explanation shall be substituted namely:—

“Explanation III.—The question as to whether any undertaking, either by itself or along with inter-connected undertakings, produces, supplies, distributes or controls one-fourth of any goods or provides or controls one-fourth of any services may be determined according to any of the following criteria, namely, value, cost price, quantity or capacity of the goods or services.”;

(v) in Explanation IV, for the words “In determining”, the words, brackets and figures “In determining with reference to the features specified in sub-clause (ii), (iii) or (iv) as the case may be”, shall be substituted;

(b) after clause (e), the following clause shall be inserted, namely :—

(cc) “goods of any description” in relation to an undertaking within the purview of the Industries Act, means any article which falls under an item in the First Schedule to that Act;

(c) after clause (f), the following clauses shall be inserted, namely :—

(ff) “Industries Act” means the Industries (Development and Regulation) Act, 1951, (65 of 1951) and includes any rules, notifications or orders thereunder;

(fff) "installed capacity" means installed capacity as recognised under the Industries Act or any returns thereunder;

(d) after clause (g), the following clause shall be inserted, namely :—

(gg) "licensed capacity", in relation to goods of any description and with respect to an undertaking within the purview of the Industries Act, means the licensed or productive capacity of such undertaking in relation to such goods, in accordance with the certificate of registration licence, letter of intent or permission granted to it under the Industries Act and includes any increase in such capacity as may be approved by Government under that Act;

(e) after clause (l), the following clause shall be inserted, namely —

(ll) "produce" includes manufacture and all its grammatical variations and cognate expressions shall be construed accordingly:

(f) after clause (v) the following clause shall be inserted, namely :—

(vv) "undertaking within the purview of the Industries Act" means an undertaking pertaining to a scheduled industry as defined in that Act;

3. *Amendment of section 21.*—In section 21. of the principal Act,—

(a) in sub-section (2), for the Explanation, the following Explanation shall be substituted, namely:—

"Explanation.—For the purposes of this section, an undertaking shall be deemed to expand substantially in any manner if, as a result of such expansion,—

(a) in the case of an undertaking within the purview of the Industries Act and having a licensed capacity for the production of goods of any description, there would be an increase of such licensed capacity by not less than twenty-five per cent. thereof;

(b) in the case of an undertaking to which clause (b) of section 20 applies but to which clause (a) of this Explanation does not apply, the production, marketing, supply, distribution or control of any goods or the provision of any services would increase by not less than twenty-five per cent. of the goods produced, marketed, supplied, distributed or controlled, or services provided, by it immediately before such expansion;

(c) in the case of any other undertaking,—

(i) it would have additional assets of a value of not less than twenty-five per cent. of the value of its assets immediately before such expansion; or

(ii) the production, marketing, supply, distribution or control of any goods or the provision of any services would increase by not less than twenty-five per cent. of the goods produced, marketed, supplied, distributed or controlled, or services provided, by it immediately before such expansion.;"

(b) for sub-section (4), the following sub-section shall be substituted, namely :—

(4) Nothing in this section shall apply to any undertaking in so far as the expansion is effected by the replacement, renovation or modernisation of the whole or any part of the machinery or other equipment of the undertaking or by the installation of any balancing equipment.

Explanation.—For the purposes of this sub-section “balancing equipment” means any equipment or device needed for removing any production bottle-neck, and includes the installation of any equipment or device in the tool room, ancillary services or inspection department where such installation has a bearing on the quantum and quality of production to be achieved..

4. *Amendment of section 22.*—In section 22 of the principal Act, in sub-section (1) for the words, brackets, letter and figures “to which clause (a) of section 20 applies” the words “to which this Part applies” shall be substituted.

5. *Insertion of new section 22A.*—After section 22 of the principal Act, the following section shall be inserted, namely :—

‘22A. Power to exempt.—(1) The Central Government may, by notification in the Official Gazette, direct that subject to such terms and conditions as may be specified in the notification all or any of the provisions of section 21 or section 22 shall not apply to any proposal—

(a) in respect of an industry or service specified in the notification:

Provided that no industry or service shall be so specified unless the Central Government is satisfied having regard to all relevant factors that it is of high national priority ;

(b) for the increase in the production of any goods or the provision of any services which are meant exclusively for export outside India ; or

(c) which relates to an undertaking established or proposed to be established in a free trade zone

Explanation —In this sub-section, “free trade zone” has the same meaning as in clause (i) of the Explanation to section 10A of the Income-tax Act, 1961 (43 of 1961).

(2) Every notification issued under sub-section (1) shall have effect for such period not exceeding five years at a time as may be specified in the notification.

(3) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.”

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1982

The following Act of Parliament having been assented to by the President on the 10th August, 1982, was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 28, dated August 11, 1982—

INDIAN PARLIAMENT ACT NO. 32 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the **Appropriation (Railways) No. 3 Act, 1982.**

(Text omitted)

THE APPROPRIATION (NO.3) ACT, 1982

The following Act of Parliament having been assented to by the President on the 10th August, 1982 was published in the Gazette of India, Extraordinary Part II, Section 1, No. 29, Dated, August, 11, 1982.

INDIAN PARLIAMENT ACT NO. 33 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the **Appropriation (No. 3) Act, 1982.**

(Text omitted)

THE ASSAM APPROPRIATION (NO. 2) ACT, 1982

The following Act of Parliament having been assented to by the President on the 18th August, 1982 was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 33, dated August 19, 1982,

INDIAN PARLIAMENT ACT NO. 37 OF 1982

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Assam for the services of the financial year 1982-83,

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the **Assam Appropriation (No. 2) Act, 1982.**

(Text omitted)

THE NAVY (AMENDMENT) ACT, 1982

The following Act of Parliament having been assented to by the President on the 16th October, 1982 was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 46, dated October 16, 1982.

INDIAN PARLIAMENT ACT NO. 48 OF 1982

An Act further to amend the Navy Act, 1957.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Navy (Amendment) Act, 1982.

2. *Amendment of section 55A.*—In section 55A of the Navy Act, 1957 (62 of 1957) (hereinafter referred to as the principal Act), in clause (a), after the words “fourteen year”, the words “or such other punishment as is hereinafter mentioned” shall be inserted.

3. *Amendment of section 81.*—In section 81 of the principal Act, in sub-section (1),—

(a) in clause (f), after the word “officers”, the words “and master chief petty officers” shall be inserted;

(b) in clause (g), for the words “subordinate officers”, the words “officers below the rank of commander and master chief petty officers” shall be substituted;

(c) in clause (i), for the words “disrating” and “subordinate and petty officers”, the words “reduction in rank” and “petty officers” shall respectively be substituted.

4. *Amendment of section 82.*—In section 82 of the principal Act,—

(a) in sub-section (9), for the words “disrating” and “rate”, the words “reduction in rank” and “rank” shall respectively be substituted;

(b) after sub-section (12), the following sub-section shall be inserted, namely :—

“(12A) No master chief petty officer shall be subject to the punishment of forfeiture of seniority of more than twelve months”;

(c) after sub-section (13), the following sub-section shall be inserted, namely :—

“(13A) No master chief petty officer shall be subject to the punishment of forfeiture of time for promotion of more than twelve months.”;

(d) in sub-section (14), for the words “disrated” and “rating”, the words “reduced in rank” and “rank” shall respectively be substituted.

5. *Amendment of section 94.*—In section 94 of the principal Act,—

(a) in sub-sections (1) and (2) for the words “any subordinate officer”, the words “any officer below the rank of commander” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely :—

(a) forfeiture of seniority in “rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) severe reprimand or reprimand.”;

(c) in sub-section (4), for the word, brackets and figure “and (2)” the brackets, figures, word and letter “(2) and (2A)” shall be substituted;

(d) in sub-section (5), for the words “training ship”, the word “ship” shall be substituted.

6. *Amendment of section 97.*—In section 97 of the principal Act, in clause (b) of the proviso to sub-section (10), after the figures “55”, the figures and letters “55A, 55C” shall be inserted.

7. *Amendment of section 135.*—In section 135 of the principal Act,—

(a) in sub-section (1), for the words “any district magistrate or magistrate of the first class” the words “any metropolitan magistrate or judicial magistrate of the first class” shall be substituted;

(b) in sub-section (3), for the words and figures “district magistrate or magistrate of the first class or an authority exercising in that place powers equivalent to those of a magistrate of the first class under the Code of Criminal Procedure, 1898, (5 of 1898)” the words and figures “metropolitan magistrate or judicial magistrate of the first class or an authority exercising the powers equivalent to those of a judicial magistrate of the first class under the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted;

(c) in sub-section (4),—

(i) for the words “if he is a district magistrate he or such magistrate of the first class as is appointed by him in this behalf”, the words “if he is a Chief Metropolitan Magistrate or Chief Judicial Magistrate, he or such metropolitan magistrate or judicial magistrate of the first class as is appointed by him in this behalf” shall be substituted;

(ii) for the words and figures “Code of Criminal Procedure, 1898 (5 of 1898)” the words and figures “Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

8. *Amendment of section 141.*—In section 141 of the principal Act, for the words and figures “under section 476 of the Code of Criminal Procedure, 1898 (5 of 1898)” the words and figures “under section 340 of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

9. *Amendment of section 142.*—In section 142 of the principal Act, for the words and figures “sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)” the words and figures “section 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

10. *Amendment of section 158.*—In section 158 of the principal Act, for the words and figures “Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “Code of Criminal Procedure, 1973 (2 of 1898)”, shall be substituted.

11. *Insertion of new section 184A.*—After section 184 of the principal Act, the following section shall be inserted, namely :—

“184A. *Power to make regulations with retrospective effect.*—The power to make regulations conferred by this Act shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the regulations or any of them, but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable”.

THE NATIONAL WATERWAY (ALLAHABAD-HALDIA STRETCH OF THE GANGA-BHAGIRATHI-HOOGHLY RIVER) ACT, 1982

The following Act of Parliament having been assented to by the President on the 18th October, 1982 was published in the Gazette of India, Extraordinary Part II, Section 1, No. 47, dated October, 19, 1982.

INDIAN PARLIAMENT ACT NO. 49 OF 1982

An Act to provide for the declaration of the Allahabad Haldia Stretch of the Ganga-Bhagirathi-Hooghly river to be a national waterway and also to provide for the regulation and development of that river for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Declaration of a certain stretch of Ganga-Bhagirathi-Hooghly river to be national waterway.*—The Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly river, the limits of which are specified in the Schedule, is hereby declared to be a national waterway.

3. *Declaration as to expediency of control by the Union of Ganga-Bhagirathi-Hooghly river for certain purposes.*—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of Ganga-Bhagirathi-Hooghly river for purposes of shipping and navigation on the national waterway to the extent hereinafter provided.

4. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Advisory Committee” means an Advisory Committee constituted under section 8 ;

(b) “appurtenant land” means all lands appurtenant to the national waterway, whether demarcated or not ;

(c) “channel” means any waterway, whether natural or artificial ;

(d) “conservancy” includes dredging, training, closure, diversion or abandoning channels ;

(e) “conservancy measures” means measures for purposes of conservancy, but does not include measures for protection of banks against floods or for restoring banks which have become eroded mainly on account of reasons not connected with shipping and navigation ;

(f) “infrastructure” includes structures such as docks, wharves, jetties, landing stages, locks, buoys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression “infrastructural facilities” shall be construed accordingly ;

(g) “national waterway” means the waterway declared by section 2 to be national waterway ;

(h) “navigable channel” means a channel navigable during the whole or a part of the year ;

- (i) "prescribed" means prescribed by rules made under this Act ;
- (j) "rule" means rules made by the Central Government under this Act.

5. *Responsibility for regulation and development of national waterway.*—(1) It shall be the responsibility of the Central Government to regulate and develop the national waterway and to secure the efficient utilisation of the waterway for shipping and navigation

(2) In particular and without prejudice to the generality of the foregoing provision, the Central Government may—

- (a) carry out surveys and investigations for the development, maintenance and better utilisation of the national waterway and the appurtenant land for shipping and navigation and prepare plans in this behalf ;
- (b) make and open new navigable channels ;
- (c) clear, widen, deepen or divert or otherwise improve the channels ;
- (d) provide or permit setting up of infrastructural facilities ;
- (e) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterway ;
- (f) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterway and appurtenant land, in so far as they may affect, safe and efficient shipping and navigation, maintenance of navigable channels, river training and conservancy measures ;
- (g) remove or alter any obstruction or impediment in the national waterway and the appurtenant land which may impede the safe navigation or endanger safety of infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful by reason of long continuance of such obstruction or impediment or otherwise, after making compensation to person suffering damage by such removal or alteration ;
- (h) provide for the regulation of navigation and traffic (including the rule of the road) on the national waterway ;
- (i) regulate the construction or alteration of structures on, across or under the national waterway ;
- (j) perform such other functions as may be necessary to carry out the purposes of this Act.

(3) Any dispute arising out of or concerning the compensation referred to in clause (g) of sub-section (2) shall be determined according to the law relating to like disputes in the case of land required for public purposes.

6. *Rights, etc., of Central Government with respect to national waterway, lands and infrastructure appurtenant thereto.*—(1) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, particularly for the purpose of discharging its responsibility under section 5, exercise any jurisdiction, right or power with respect to the national waterway or any lands or infrastructure appurtenant thereto which it could have exercised if the national water-

way and the lands and infrastructure appurtenant thereto had been vested in that Government by this sub-section.

(2) If any dispute arises as to whether any land or structure is a land or infrastructure appurtenant to the national waterway, the Central Government and the other party or parties to the dispute shall endeavour to resolve the dispute by negotiations or conciliation in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-section (2), if the Central Government considers whether before initiating action for resolving a dispute by negotiations or conciliation or at any stage after initiating such action, that the dispute is of such a nature that it is necessary or expedient to refer it to arbitration, the Central Government shall, in such form and in such manner as may be prescribed, refer the matter in dispute to an arbitrator who shall be appointed by the Chief Justice of India.

(4) The arbitrator may appoint two or more persons as assessors to assist him in the proceedings before him.

(5) The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them.

(6) Nothing in the Arbitration Act, 1940 (10 of 1940), shall apply to any arbitration under this section.

7. *Application, etc., of certain laws*—(1) The provisions of this Act shall be in addition to the provisions of the Major Port Trusts Act, 1963 (38 of 1963), and in particular nothing in this Act shall affect any jurisdiction, functions, power or duties required to be exercised, performed or discharged under the Major Port Trusts Act, 1963 by the Board of Trustees for the major port of Calcutta or by any officer or authority in, or in relation to the portion of the national waterway falling within the limits of the said port.

(2) Nothing in this Act shall affect the operation of the Island Vessels Act, 1917 (1 of 1917), or any other Central Act (other than the Major Port Trusts Act, 1963 (38 of 1963), or any State or Provincial Act in force immediately before the commencement of this Act with respect to shipping and navigation on the waterway declared by section 2 to be a national waterway but any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by a State Government or any officer or authority subordinate to State Government under any such Act in so far as such jurisdiction, functions, powers or duties relates or relate to shipping and navigation on the said waterway or any matter incidental thereto or otherwise connected therewith, shall after such commencement be exercised, performed or discharged by the Central Government.

(3) The Central Government may, by notification in the Official Gazette, direct that any jurisdiction, functions, powers or duties which it may exercise, perform or discharge by virtue of the provisions of sub-section (2) under any Act referred to in that sub-section shall, subject to such conditions, if any, as may be specified in the notification, be exercised, performed or discharged also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or officer or authority subordinate to a State Government,

as may be specified in the notification.

8. *Advisory Committees.*—(1) Subject to any rules made in this behalf, the Central Government may from time to time constitute one or more Advisory Committees to advise the Central Government on matters concerning the administration of this Act.

(2) The Advisory Committee or the Advisory Committees referred to in sub-section (1) shall consist of such number of persons to represent the interests connected with shipping and navigation and allied aspects as the Central Government may deem fit.

9. *Fees for services or benefits rendered in the national waterway.*—

(1) The Central Government may, by notification in the Official Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of the national waterway for the purposes of navigation, infrastructural facilities, including facilities for passengers and facilities relating to berthing of vessels, handling of cargoes and storage of cargoes.

(2) The fees levied under sub-section (1) shall be collected in such manner as may be prescribed.

10. *Power to enter.*—Subject to any rules made in this behalf, any officer subordinate to the Central Government or to a State Government or to any authority subordinate to the Central Government or a State Government who is authorised in this behalf by the Central Government by notification in the Official Gazette may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and—

(a) make any inspection, survey, measurement, valuation or inquiry,

(b) take levels,

(c) dig or bore into sub-soil,

(d) set out boundaries and intended lines of work,

(e) mark such level boundaries and lines by placing marks and cutting trenches, or

(b) do such other acts or things as may be prescribed.

Provided that no such officer shall enter any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so

11. *Penalties.*—Whoever

(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake or marks fixed on the national waterway and the appurtenant land, or any notice or other matter put up, inscribed or placed under this Act, or

(b) obstructs any person from exercising his powers and performing his functions under this Act; or

(c) damages any works or property belonging to the Central Government, or

(d) fails to furnish any information required for the purpose of this Act,
shall be punishable with imprisonment for a term which may extend to

six months or with fine which may extend to one thousand rupees or with both.

12. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any function, power (except the powers under sections 14 and 15) or duty which it may perform, exercise or discharge under this Act shall, subject to such conditions, if any, as may be specified in the notification, be performed, exercised or discharged also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or officer or authority subordinate to a State Government, as may be specified in the notification.

13. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or an authority subordinate to such Government or an officer subordinate to such Government or authority for anything which is in good faith done or intended to be done in pursuance of the provision of this Act.

14. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which, and the conditions subject to which, any function in relation to the matters referred to in section 5 may be performed;

(b) the rule of the road on the national waterway;

(c) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;

(d) the reception, portorage, storage and removal of goods brought on the national waterway, and the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;

(e) regulating, declaring and defining the docks, wharves, jetties, landing stages on which goods shall be landed from vessels and shipped on board vessels;

(f) regulating the manner in which, and the conditions under which, the loading and unloading of vessels on the national waterway shall be carried out;

(g) the exclusion from the national waterway of disorderly or other undesirable persons and of trespassers;

(h) the manner in which the Central Government shall endeavour to resolve, under sub-section (2) of section 6, the disputes referred to therein, the form and manner in which such disputes may be referred, under sub-section (3) of that section to arbitration and the procedure to be followed in such arbitration proceedings;

(i) the composition of the Advisory Committees, the term of office of members of such committees, the allowances, if any, payable to them, and the manner in which the Advisory Committees shall conduct their business;

(j) the rates at which fees for services and benefits referred to in section 9 may be levied and the manner in which such fees shall be collected;

(k) the conditions and restrictions with respect to the exercise of the power to enter under section 10 and the matters referred to in clause (f) of that section;

(l) the periodical inspection of the national waterway and the submission of the inspection reports to the Central Government;

(m) the reports on works carried out on the national waterway;

(n) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

(3) Any rules made under this Act may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees and where the breach is a continuing one with further fine which may extend to one hundred rupees for every day after the first during which such breach continues.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

(See Section 2)

LIMITS OF THE NATIONAL WATERWAY (ALLAHABAD-HALDIA STRETCH OF THE GANGA-BHAGIRATHI-HOOGHLY RIVER)

From road bridge at Allahabad across the river Ganga, about 2 kms. up-stream of the confluence of the rivers Ganga and Yamuna at Triveni to the inland waterway limit on the tidal waters of the river Hooghly from a line drawn between No. 1 Refuge house at the entrance to Baratola river commonly called channel creek, to a position 2.5 kms. due south of Saugor lighthouse, and then connected to the right of south bank at the entrance to the Hijili or Russulpore river, through

river Ganga, lock canal and feeder canal at Farakka, river Bhagirathi and river Hooghly.

THE CONTINGENCY FUND OF INDIA (AMENDMENT) ACT, 1982

The following Act of Parliament having been assented to by the Vice-President on the 21st October, 1982 was published in the Gazette of India, Extraordinary Part II, Section I, No. 49, dated October 21, 1982.

INDIAN PARLIAMENT ACT NO. 51 OF 1982

An Act further to amend the Contingency Fund of India Act, 1950 Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Contingency Fund of India (Amendment) Act, 1982.

2. *Amendment of section 4.*—In the Contingency Fund of India Act, 1950 (49 of 1950), section 4 shall be numbered as sub-section (1) thereof, and

(a) in sub-section (1), as so numbered, after the words “Central Government may”, the words “, by notification in the Official Gazette,” shall be inserted; and

(b) after sub-section (1), as so numbered, the following sub-section shall be inserted, namely,—

“(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

THE FOOD CORPORATIONS (AMENDMENT) ACT, 1982

The following Act of Parliament having been assented to the Vice-President on the 21st October, 1982 was published in the Gazette of India, Extraordinary, Part II, Section I, No. 51, dated October 21, 1982.

INDIAN PARLIAMENT ACT NO. 53 OF 1982

An Act further to amend the Food Corporations Act, 1964 Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Food Corporations (Amendment) Act, 1982.

2. *Amendment of section 12A.*—In the Food Corporations Act, 1964 (hereinafter referred to as the principal Act), in sub-section (5) of section 12A,—

(a) for clause (b), the following clause shall be substituted, namely :—

“(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges :”;

(b) in the proviso to clause (b), for the words “Provided that”, the words “Provided further that” shall be substituted and before the proviso, as so amended, the following proviso shall be inserted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed :”.

3. *Amendment of section 44.*—In section 44 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

4. *Amendment of section 45.*—In section 45 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) The power to make regulations under this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially effect the interests of any person to whom such regulation may be applicable.”;

(b) after sub-section (4), the following sub-section shall be added, namely :—

“(5) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.

5. *Insertion of new section 46.*—After section 45 of the principal Act, the following section shall be inserted, namely :—

“46. *Validation.*—No regulation made or purporting to have been made with retrospective effect, under section 45 before the commencement of the Food Corporations (Amendment) Act, 1982 shall be deemed to be invalid or ever to have been invalid merely on the ground that such regulation was made with retrospective effect and accordingly every such regulation and any action taken or thing done thereunder

shall be as valid and effective as if the provisions of section 45, as amended by the Food Corporations (Amendment) Act, 1982, were in force at all material times when such regulation was made or action or thing was taken or done.”.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1982

The following Act received the assent of the President on August 31, 1982 was published in the Gazette of India, Extra, Part II, Section 1, dated 1st September, 1982.

INDIAN PARLIAMENT ACT NO. 46 OF 1982

An Act further to amend the Industrial Disputes Act, 1947.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Industrial Disputes (Amendment) Act, 1982**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Section 2.*—In Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the principal Act),—

(a) in clause (a), in sub-clause (i), for the portion beginning with the words “the Industrial Finance Corporation of India” and ending with the words and figures “the Regional Rural Banks Act, 1976 (21 of 1976)”, the following shall be substituted, namely :—

“a Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India established under Section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948), or the Employees’ State Insurance Corporation established under Section 3 of the Employees’ State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under Section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5-A and Section 5-B, respectively, of the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the “Indian Airlines” and “Air India” Corporations established under Section 3 of the Air Corporations Act, 1953 (27 of 1953), or the Life Insurance Corporation of India established under Section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Commission established under Section 3 of the Oil and Natural Gas Commission Act 1959 (43 of 1959), or the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under Section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under Section 3, or a Board of Management established for two or more contiguous State under Section 16, of the Food Corporations Act, 1964 (37 of 1964), or the International Airports Authority of India constituted under Section 3 of the International Airports Authority of India Act, 1971 (43 of 1971), or a Regional Rural Bank

established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Corporation of India Limited” ;

(b) after clause (c), the following clause shall be inserted, namely :—

“(cc) ‘closure’ means the permanent closing down of the place of employment or part thereof” ;

(c) for clause (j), the following clause shall be substituted, namely :—

“(j) ‘industry’ means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes which are merely spiritual or religious in nature), whether or not,—

(i) any capital has been invested for the purpose of carrying on such activity ; or

(ii) such activity is carried on with a motive to make any gain or profit, and includes—

(a) any activity of the Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) ;

(b) any activity relating to the promotion of sales or business or both carried on by an establishment.

but does not include—

(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.

Explanation.—For the purposes of this sub-clause, ‘agricultural operation’ does not include any activity carried on in a plantation as defined in clause (f) of Section 2 of the Plantations Labour Act, 1951 (69 of 1951) ; or

(2) hospitals or dispensaries ; or

(3) educational, specific, research or training institutions ; or

(4) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service ; or

(5) khadi or village industries ; or

(6) any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space ; or

(7) any domestic service ; or

(8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten ; or

(9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number

of persons employed by the co-operative society, club or other like body of individuals in relations to such activity is less than ten;" ;

(b) after clause (k), the following clause shall be inserted, namely :—

"(ka) 'industrial establishment or undertaking' means an establishment or undertaking in which any industry is carried on :

Provided that where several are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries, then,—

(a) if any unit of such establishment or undertaking carrying on any activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking ;

(b) if the predominant activity or each of the predominant activities carried on in such establishment or undertaking or any unit thereof is an industry and the other activity or each of the other activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant activity or activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;" ;

(c) clause (kka) shall be relettered as clause (kkb) and before the clause as so relettered, the following clause shall be inserted, namely :—

"(kka) 'khadi' has the meaning assigned to it in clause (d) of Section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956) ;"

(f) in clause (kkk), for the words "or for any other reason", the words "or natural calamity or for any other connected reason" shall be substituted ;

(g) in clause (l), for the words "closing of a place of employment", the words "temporary closing of a place of employment" shall be substituted ;

(h) after clause (q), the following clause shall be inserted, namely :—

"(qq) 'trade union' means a trade union registered under the Trade Unions Act, 1926 (16 of 1926) ;"

(i) after clause (r), the following clauses shall be inserted, namely :—

"(ra) 'unfair labour practice' means any of the practices specified in the Fifth Schedule ;

(rb) 'village industries' has the meaning assigned to it in clause (h) of Section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956) ;"

(j) in clause (rr), after sub-clause (iii), the following sub-clause shall be inserted, namely :—

"(iv) any commission payable on the promotion of sales or business or both;" ;

(k) for clause (s), the following clause shall be substituted, namely :—

"(s) 'workman' means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the

terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with; or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force, Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957) ; or

(ii) who is employed in the police service or as an officer or other employee of a prison ; or

(iii) who is employed mainly in a managerial or administrative capacity ; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

3. *Amendment of Section 7.*—In Section 7 of the principal Act, in sub-section (3), clause (c) shall be omitted.

4. *Amendment of Section 7-A.*—In Section 7-A of the principal Act,—

(a) in sub-section (1) after the words "the Third Schedule" the words "and for performing such other functions as may be assigned to them under this Act" shall be inserted,

(b) in sub-section (3),—

(i) in clause (aa), the word "or" at the end shall be omitted.

(ii) clause (b) shall be omitted.

5. *Amendment of Section 7-B.*—In Section 7-B of the principal Act, in sub-section (3), for the portion beginning with the word "unless" and ending with the words "not less than two years", the words "unless he is, or has been, a Judge of a High Court" shall be substituted.

6. *Amendment of Section 9-A*—In the proviso to Section 9-A of the principal Act, in clause (a), for the words, brackets and figures "settlement, award or decision of the Appellate Tribunals constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950)", the words "settlement or award" shall be substituted.

7. *Insertion of new Chapter II-B.*—After Section 9-B of the principal Act, the following Chapter shall be inserted namely :—

"CHAPTER II-B

Reference of certain Industrial Disputes to Grievance Settlement Authorities

9-C. *Setting up of Grievance Settlement Authorities and reference of certain individual disputes to such authorities.*—(1) The employer in relation to every industrial establishment in which fifty or more workmen are employed or have been employed on any day in the preceding twelve months, shall provide for, in accordance with the rules made in that behalf under this Act, a Grievance Settlement Authority for the settlement of industrial disputes connected with an individual workman employed in the establishment

(2) Where an industrial dispute connected with an individual workman arises in an establishment referred to in sub-section (1), a workman or any trade union of workmen of which such workman is a member, refer, in such manner as may be prescribed such dispute to the Grievance Settlement Authority provided for by the employer under that sub-section for settlement.

(3) The Grievance Settlement Authority referred to in sub-section (1) shall follow such procedure and complete its proceedings within such period as may be prescribed.

(4) No reference shall be made under Chapter III with respect to any dispute referred to in this section unless dispute has been referred to the Grievance Settlement Authority concerned and the decision of the Grievance Settlement Authority is not acceptable to any of the parties to the disputes."

8. *Amendment of Section 10.*—In Section 10 of the principal Act,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be constituted by the State Government."

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2-A) An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government :

Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months :

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing extend such period by such further period as he may think fit :

Provided also that in computing any period specified in this sub-section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded :

Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed."

(c) after sub-section (7), the following sub-section shall be inserted, namely :—

"(8) No proceeding pending before a Labour Court, Tribunal or National Tribunal in relation to an industrial dispute shall lapse merely

by reason of the death of any of the parties to the dispute being a workman, and such Labour Court, Tribunal or National Tribunal shall complete such proceeding and submit its award to the appropriate Government.

9. *Amendment of Section 11.*—In Section 11 of the principal Act,—

(a) in sub-section (4),—

(i) for the words “may call for” the words “may enforce the attendance of any person for the purpose of examination of such person or call for” shall be substituted ;

(ii) for the words “in respect of compelling the production of documents”, the words “in respect of enforcing the attendance of any person and examining him or of compelling the production of document” shall be substituted ;

(b) in sub-section (8), for the words and figures “Sections 480, 482 and 484 of the Code of Criminal, 1898 (5 of 1898)”, the words and figures “Sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

10. *Amendment of Section 15.*—In Section 15 of the principal Act, for the words “as soon as it is practicable on the conclusion thereof”, the words, brackets, figures and letter “within the period specified in the order referring such industrial dispute or the further period extended under the second proviso to sub-section (2-A) of Section 10” shall be substituted.

11. *Insertion of new Section 17-B.*—After Section 17-A of the principal Act, the following section shall be inserted, namely :—

“17-B. *Payment of full wages to workman pending proceedings in higher courts.*—Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court :

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.”

12. *Amendment of Section 25-K.*—In Section 25-K of the Principal Act, in sub-section (1) for the words “three hundred”, the words “one hundred” shall be substituted.

13. *Amendment of Section 25-M.*—In Section 25-M of the principal Act,—

(a) in sub-section (1), after the words “or to natural calamity”, the words “and in the case of a mine, such lay-off is due also to fire, flood, excess of inflammable gas or explosion” shall be inserted :

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2-A) Where the workmen (other than badli workman or casual workmen) of an industrial establishment being a mine have been laid-off under sub-section (1) for reasons of fire, flood or excess of inflammable gas or explosion, the employer in relation to such establishment shall, within a period of thirty days from the date of commencement of such lay-off, apply to the authority specified under sub-section (1) for permission to continue the lay-off.”

(c) in sub-sections (3), (4) and (5), after the words, brackets and figure “under sub-section (2)”, the words, brackets, figure and letter “or sub-section (2-A)” shall be inserted.

14. *Substitution of new section for Section 25-O.*—For Section 25-O of the principal Act, the following section shall be substituted, namely :—

“25-O. *Procedure for claiming down an undertaking.*—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, standing clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner :

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads canals, dams or for other construction work.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period, of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication ;

Provided that where a reference has been made to a Tribunal under the sub-section it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3) every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days, average pay for every completed year of continuous service or any part thereof in excess of six months".

15. *Amendment of Section 25-R*—In Section 25-R of the principal Act,—

(a) in sub-section (2), for the words, brackets, figures and letters "a direction given under sub-section (2) of Section 25-O or Section 25-P" the words, brackets, figures and letter "an order refusing to grant permission to close down an undertaking under sub-section (2) of Section 25-O or a direction given under Section 25-P" shall be substituted;

(b) sub-section (3) shall be omitted.

16. *Insertion of new Chapter V-C*.—After Chapter V-B of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER V-C

Unfair labour practices

25-T. *Prohibition of unfair labour practice*.—No employer or workman or a trade union, whether registered under the Trade Unions Act, 1926 (16 of 1926), or not, shall commit any unfair labour practice.

25-U. *Penalty for committing unfair labour practices*.—Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both."

17. *Amendment of Section 33*.—In section 33 of the principal Act, in sub-section (5),—

(a) for the words "as expeditiously as possible", the words "within a period of three months from the date of receipt of such application shall be substituted ;

(b) the following provisos shall be inserted, namely :—

"Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing, extend such period by such further period as it may think fit :

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed."

18. *Amendment of Section 33-A.*—In section 33-A of the principal Act,—

(a) for the words "before a Labour Court, Tribunal or National Tribunal", the words "before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal" shall be substituted ;

(b) for the portion beginning with the words "in the prescribed manner to such Labour Court" and ending with the words "apply accordingly", the following shall be substituted, namely :—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly".

19. *Amendment of Section 33-C.*—In Section 33-C of the principal Act, in sub-section (2),—

(a) after the words "the appropriate Government", the words "within a period not exceeding three months" shall be inserted ;

(b) the following proviso shall be added at the end, namely :—

"Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit."

20. *Amendment of Section 34.*—In sub-section (2) of Section 34 of the principal Act, for the words "a Presidency Magistrate or a Magistrate of the first class", the words "a Metropolitan Magistrate or Judicial Magistrate of the first class" shall be substituted.

21. *Insertion of new Section 36-B.*—After Section 36-A of the principal Act, the following section shall be inserted, namely :—

"36-B. *Power to exempt.*—Where the appropriate Government is satisfied in relation to any industrial establishments or undertaking or any class of industrial establishments or undertakings carried on by a department of that Government that adequate provisions exist for the investigation and settlement of industrial disputes in respect of workmen employed in such establishment or undertaking or class of establishment or undertakings, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of this Act."

22. *Amendment of Section 38.*—In sub-section (2) of Section 38 of the principal Act, after clause (aaa), the following clause shall be inserted, namely :—

“(ab) the constitution of Grievance Settlement Authority referred to in Section 9-C, the manner in which industrial disputes may be referred to such authorities for settlement, the procedure to be followed by such authorities in the proceedings in relation to disputes referred to them and the period within which such proceedings shall be completed”.

23. *Insertion of new Fifth Schedule.*—After the Fourth Schedule to the principal Act, the following Schedule shall be inserted, namely :—

“THE FIFTH SCHEDULE

[See Section 2 (ra)]

Unfair labour practices

1. On the part of employers and trade unions of employer

1. To interfere with or restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say—

(a) threatening workmen with discharge or dismissal, if they join a trade union ;

(b) threatening a lock-out or closure, if a trade union is organised ;

(c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union at organisation.

2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say :—

(a) an employer taking an active interest in organising a trade union of his workmen ; and

(b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.

3. To establish employer sponsored trade unions of workmen.

4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say :—

(a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union ;

(b) discharging or dismissing a workman for taking part in any strike (not being a strike which is deemed to be an illegal strike under this Act) ;

(c) changing seniority rating of workmen because of trade union activities ;

(d) refusing to promote workmen to higher posts on account of their trade union activities ;

(e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union ;

(f) discharging office-bearers or active members of the trade union on account of their trade union activities.

5. To discharge or dismiss workmen—

(a) by way of victimisation ;

(b) not in good faith, but in the colourable exercise of the employer's rights ;

(c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence ;

(d) for patently false reasons ;

(e) on untrue or trumped up allegations of absence without leave ;

(f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste ;

(g) for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.

6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.

7. To transfer a workman *mala fide* from one place to another, under the guise of following management policy.

8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond as a pre-condition to allowing them to resume work.

9. To show favouritism or partiality to one set of workers regardless of merit.

10. To employ workmen as 'badlis', casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.

11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding to any industrial dispute.

12. To recruit workmen during a strike which is not an illegal strike.

13. Failure to implement award, settlement or agreement.

14. To indulge in acts of force or violence.

15. To refuse to bargain collectively, in good faith with the recognised trade unions.

16. Proposing or continuing a lock-out deemed to be illegal under this Act.

II. On the part of workmen and trade unions of workmen.

1. To advise or actively support or instigate any strike deemed to be illegal under this Act.

2. To coerce workmen in the exercise of their right to self-organisation or to join a trade union or refrain from joining any trade union, that is to say,—

(a) for a trade union or its members to picketing in such a manner that non-striking workmen are physically debarred from entering the work places ;

(b) to indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff.

3. For a recognised union to refuse to bargain collectively in good faith with the employer.

4. To indulge in coercive activities against certification of a bargaining representative.

5. To stage, encourage or instigate such forms of coercive actions as wilful 'go slow', squatting on the work premises after working hours or 'gherao' of any of the members of the managerial or other staff.

6. To stage demonstrations at the residences of the employers or the managerial staff members.

7. To incite or indulge in wilful damage to employer's property connected with the industry.

8. To indulge in acts of force or violence or to hold out threats of intimidation against any workman with a view to prevent him from attending work."

24. *Amendment of Act 11 of 1976.*—In Section 6 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976), sub-section (2) shall be omitted.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on August 31, 1982 and was published in the Gazette of India, Extraordinary, Part II, Section 1, dated September 1, 1982

INDIAN PARLIAMENT ACT NO. 47 OF 1982

An Act further to amend the Motor Vehicles Act, 1939

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act

2. *Amendment of Section 7.*—In Section 7 of the Motor Vehicles Act, 1939 (4 of 1939) (hereinafter referred to as the principal Act),—

(a) in sub-section (2), for the words "and shall contain the information required by the form", the words "shall contain the information required by the form and shall be accompanied by three clear copies of a recent photograph of the applicant" shall be substituted ;

(b) sub-section (4) shall be omitted.

3. *Amendment of Section 8.*—In Section 8 of the principal Act, in sub-section (1), for the words, brackets and figures "and, in the case of a driving licence to drive as a paid employee or to drive a transport vehicle, one of the photographs referred to in sub-section (4) of Section 7", the words, brackets and figures "and one of the photographs referred to in sub-section (2) of Section 7" shall be substituted.

4. *Amendment of Section 8-A.*—In Section 8-A of the principal Act, in sub-section (2),—

(a) in the opening portion, for the words and figure "provision of Section 7", the words, figure and brackets "provisions of Section 7 (except the provision requiring the application thereunder to be accompanied by three clear copies of a recent photograph of the applicant)" shall be substituted ;

(b) in the proviso, for the words, brackets and figures "sub-sections (3) and (4)", the words, brackets and figure "sub-section (3)" shall be substituted.

5. *Insertion of new Section 11-A.*—After Section 11 of the principal Act, the following section shall be inserted, namely :—

“11-A. Special provision as to affixation of photograph in certain cases on driving licences.—(1) Every person whose application for the issue or renewal of a driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle is pending before any licensing authority immediately before the appointed day, shall, on or as soon as may be after the appointed day, forward three clear copies of his recent photograph to such licensing authority along with an application in writing for the affixation of such photograph on the driving licence.

(2) A driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle, issued or renewed under this Act before the appointed day shall cease to be effective on the expiry of six months from the appointed day, if it does not cease to be effective otherwise earlier, unless the holder of such licence makes, before the expiry of the said period of six months, an application to any licensing authority for the affixation of his photograph on the driving licence.

(3) An application under sub-section (2) shall give particulars relating to the name of the holder of the driving licence, his temporary and permanent address, number and date of issue of the driving licence and the name of the licensing authority by whom the licence was issued and shall be accompanied by the driving licence and three clear copies of a recent photograph of the holder.

(4) No fee shall be chargeable with respect to any application made under this section.

(5) Where the authority to whom an application is made under sub-section (2) in respect of a driving licence is not the authority which issued the driving licence, it shall intimate the fact of affixation of the photograph on the driving licence to the authority which issued the driving licence.

Explanation.—For the purposes of this section, “appointed day” means the date of commencement of Section 5 of the Motor Vehicle (Amendment) Act, 1982.”

6. **Amendment of Section 24.**—In Section 24 of the Principal Act, in sub-section (3) in the proviso, for the words “the letters and figures aforesaid shall be shown”, the words “the figures aforesaid shall be shown in Arabic numerals and the letters and figures aforesaid shall be shown” shall be substituted.

7. **Amendment of Section 36.**—In Section 36 of the principal Act,—

(a) in sub-section (1), for the words “a State Government may, with the approval of the Central Government”, the words “the Central Government may” shall be substituted ;

(b) in sub-section (3), in the proviso, for the words “a State Government” and for the words “the State Government”, the words “the Central Government” shall be substituted.

8. **Insertion of new Section 69-B.**—After Section 69-A of the principal Act, the following section shall be inserted, namely :—

“69-B. Power of Central Government to make rules.—(1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to any of the following matters, namely :—

(a) the width, height, length and overhang of vehicles and of the loads carried ;

(b) the size, nature and condition of tyres.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances."

9. *Amendment of Section 70.*—In Section 70 of the principal Act—

(a) in sub-section (1), after the words "and trailers", the words "with respect to all matters other than the matter referred to in clause (a) or clause (b) of sub-section (1) of Section 69-B" shall be inserted;

(b) in sub-section (2), clauses (a) and (c) shall be omitted.

10. *Amendment of Section 86.*—In Section 86 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely :—

"(1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination;

Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within ten days at any police station in India which he specifies to the police officer making the demand.

(1-A) The conductor, if any, of a motor vehicle in any public place shall on demand by any police officer in uniform, produce his licence for examination."

(b) in sub-section (3),—

(i) in the opening portion, for the words "licence or certificates, as the case may be," the words, brackets, figures and letter "licence referred to in sub-section (1-A) or the certificates referred to in sub-section (2), as the case may be," shall be substituted;

(ii) in the proviso, the words "to a driver driving as a paid employee, or to the driver of a transport vehicle or" shall be omitted

11. *Insertion of new Chapter VII-A*—After Chapter VII of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER VII-A

Liability without fault in certain cases

92-A. *Liability to pay compensation in certain cases on the principle of no fault.*—(1) Where the death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

(2) The amount of compensation which shall be payable under sub-section (1) in respect of the death of any person shall be a fixed

sum of fifteen thousand rupees and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of seven thousand five hundred rupees.

(3) In any claim for compensation under sub-section (1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

92-B. Provisions as to other right to claim compensation for death or permanent disablement.—(1) The right to claim compensation under Section 92-A in respect of death or permanent disablement of any person shall be in addition to any other right (hereafter in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any provision of this Act or of any other law for the time being in force.

(2) A claim for compensation under Section 92-A in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under Section 92-A and also in pursuance of any right on the principle of fault, the claim for compensation under Section 92-A shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under Section 92-A is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and—

(a) if the amount of the first-mentioned compensation is less than the amount of the second-mentioned compensation, he shall be liable to pay (in addition to the first mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation ;

(b) if the amount of the first-mentioned compensation is equal to or less than the amount of the second-mentioned compensation, he shall not be liable to pay the second-mentioned compensation.

92-C. Permanent disablement.—For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of Section 92-A if such person has suffered by reason of the accident and injury or injuries involving.—

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint ; or

(b) destruction or permanent impairing of the powers of any member or joint ; or

(c) permanent disfiguration of the head or face.

92-D. Applicability of Chapter to certain claims under Act 8 of 1923.—The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923, (8 of 1923) resulting from an accident of the nature referred to in sub-section (1) of Section 92-A and for this purpose, the said provisions shall, with necessary modifications, be deemed to form part of that Act.

92-E. Overriding effect.—The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Act or of any other law for the time being in force."

12. Amendment of Section 93.—In Section 93 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

"(ba) 'liability' wherever used in relation to the death of or bodily injury to any person includes liability in respect thereof under Section 92-A".

13. Amendment of Section 95.—In Section 95 of the principal Act, in sub-section (2),—

(a) in clause (a), for the words "fifty thousand rupees", the words one lakh and fifty thousand rupees" shall be substituted ;

(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) in respect of passengers, a limit of fifteen thousand rupees for each individual passenger ;"

(c) in clause (d), for the word "two thousand", the words "six thousand" shall be substituted.

14. Insertion of new Sections 109-A, 109-B and 109-C.—After Section 109 of the principal Act, the following sections shall be inserted, namely :—

"109-A. Special provisions as to compensation in case of hit and run motor accidents.—(1) For the purposes of this section, Section 109B and Section 109-C,—

(a) 'grievous hurt' shall have the same meaning as in the Indian Penal Code, 1860 (45 of 1860) ;

(b) "hit and run motor accident" means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose ;

(c) "scheme" means the scheme framed under Section 109-C ;

(d) "Solatium Fund" means the Fund established under sub-section (2).

(2) The Central Government may, by notification in the Official Gazette, establish a Fund to be known as the Solatium Fund.

(3) The Solatium Fund shall be utilised for paying in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(4) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under Section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall make to the Solatium Fund such contributions as the Central Government may from time to time by order in writing specify, and in addition to such contributions, the said Fund shall consist of—

(a) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from time to time ;

(b) such sums as the State Governments may from time to time contribute ; and

(c) such other sums as may be received (whether by way of refund, gift, donation or in any other manner) for being credited to the Fund

(5) Subject to the provisions of this Act and the scheme, there shall be paid as compensation out of the Solatium Fund,—

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of five thousand rupees ;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of one thousand rupees :

Provided that where the sum standing to the credit of the Solatium Fund is not adequate for meeting any claim for compensation under this section, such claim may be kept pending for payment till such time as the sum necessary for meeting it becomes available in the Fund.

(6) The provisions of sub-section (1) of Section 110-A shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section

109-B. Refund in certain cases of compensation paid under Section 109-A.—(1) The payment of compensation in respect of the death of, or grievous hurt to, any person under Section 109-A shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under Section 109-A shall be credited to the Solatium Fund by way of refund.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than Section 109-A) or any other law, the tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under Section 109-A or an application for payment of compensation is pending under that section, and such tribunal, court or other authority shall,—

(a) if compensation has already been paid under Section 109-A, direct the person liable to pay the compensation awarded by it to pay

into the Solatium Fund so much thereof as is required to be credited to that Fund in accordance with the provisions of sub-section (1) ;

(b) if an application for payment of compensation is pending under Section 109-A, forward the particulars as to the compensation awarded by it to the authority in which the Solatium Fund vests.

Explanation.—For the purposes of this sub-section an application for compensation under Section 109-A shall be deemed to be pending—

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

109-C. Scheme for the administration of the Solatium Fund.—(1) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the Solatium Fund shall vest, the manner in which the Fund shall be administered, the form manner and the time within which applications for compensation from the Fund may be made, the officers or authorities to whom such applications may be made the procedure on such applications, and all other matters concerned with, or incidental to, the administration of the Fund and the payment of compensation therefrom.

(2) A scheme made under sub-section (1) may provide that—

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both ;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated, with the prior approval in writing of the Central Government, by such officer or authority to any other officer or authority ;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund :

Provided that no such retrospective effect shall be given so as to prejudicially effect the interests of any person who may be governed by such provision.

(3) Every scheme made under this section shall be laid, as soon as may be after it is made before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

• **15. Amendment of Section 110.**—In Section 110 of the principal Act, in sub-section (1), the following Explanation shall be inserted at the end, namely :—

*“Explanation.—*For the removal of doubts, it is hereby declared that the expression ‘claims for compensation in respect of accidents involving the death of, or, bodily injury to, persons arising out of the use of motor vehicles’ includes claims for compensation under Section 92-A.”

16. *Amendment of Section 110-A*—In Section 110-A of the principal Act,—

(a) in sub-section (2), the following proviso shall be inserted at the end, namely ;—

“Provided that where any claim for compensation under Section 92-A is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant” ;

(b) in sub-section (3), for the words “compensation under this section”, the words “such compensation” shall be substituted.

17. *Amendment of Section 110-AA*—In section 110-AA of the principal Act, for the words “may claim such compensation”, the words, figures and letter “may, without prejudice to the provisions of Chapter VII-A, claim such compensation” shall be substituted.

18. *Amendment of Section 110-B*.—In Section 110-B of the principal Act,—

(a) for the words ‘hold an inquiry into the claim and may make an award’, the words “hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of Section 109-B, may make an award” shall be substituted ;

(b) the following proviso shall be inserted at the end, namely:—

“Provided that where such application makes a claim for compensation under Section 92-A in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter VII-A.”

19. *Amendment of Section 110-CC*.—In Section 110-CC of the principal Act, for the word “Chapter”, the word “Act” shall be substituted.

20. *Amendment of Section 113-A*.—In Section 113-A of the principal Act, for words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

21. *Insertion of new Section 113-B*.—After Section 113-A of the principal Act, the following section shall be inserted, namely:—

“113-B. *Driving vehicles in contravention of Section 3 or Section 4*—Whoever drives a motor vehicle in contravention of Section 3 or Section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.”

22. *Amendment of Section 115*.—In Section 115 of the principal Act, in sub-section (1),—

(i) for the words “two hundred rupees”, the words “four hundred rupees” shall be substituted;

(ii) for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

23. *Amendment of Section 116*—In Section 116 of the principal Act,—

(a) for the words “five hundred rupees” the words “one thousand rupees” shall be substituted;

(b) for the words “one thousand rupees” the words “two thousand rupees” shall be substituted.

24. *Amendment of Section 120*.—In Section 120 of the principal Act for the words “three hundred rupees”, the words “five hundred rupees” shall be substituted.

25. *Amendment of Section 123*.—In Section 123 of the principal Act, in sub-section (1),—

(i) for the words “one thousand rupees” the words “two thousand rupees” shall be substituted;

(ii) for the words “two thousand rupees” the words “three thousand rupees” shall be substituted.

26. *Insertion of new Section 127-B*—After Section 127-A of the principal Act, the following section shall be inserted, namely :—

“127-B. *Composition of certain offences*.—(1) Any offence [whether committed before or after the commencement of Section 26 of the Motor Vehicles (Amendment) Act, 1982] punishable under Section 112, Section 113, Section 113-A, Section 113-B, Section 114, sub-sections (1) and (2) of Section 115, Section 116, Section 118, Section 120, Section 122, Section 123, Section 124, Section 125 or Section 127 may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.”

27. *Amendment of the first Schedule*.—In the First Schedule to the principal Act,—

(a) in Form A, in Section I, after item (g), the following shall be inserted, namely :—

“I enclose three copies of a recent photograph,”

(b) in Form AA, the brackets, letter and words “(b) three copies of a recent photograph” shall be omitted;

(c) in Form D, for the words “Photograph if necessary”, the word “Photograph” shall be substituted.

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on August 18, 1982 and published in the Gazette of India, Extraordinary Part II, Section 1, dated 19th August, 1982

INDIAN PARLIAMENT ACT NO. 38 OF 1982

- An Act further to amend the Payment of Wages Act, 1936

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Payment of Wages (Amendment) Act, 1982.

"Statement of Objects and Reasons.—1. The Payment of Wages Act, 1936 regulates the payment of wages to certain classes of persons employed in industry. It was enacted to ensure that the wages payable to employees covered by the Act are disbursed by the employers within the prescribed time limit and no deductions other than those authorised by law are made by the employers. The Act applies *proprio vigore* to the payment of wages to persons employed in any factory or to persons employed in a railway by a railway administration either directly or through a sub-contractor. Further, the State Governments are empowered to extend the provisions of the Act to cover persons employed in any industrial establishment or any class or group of Industrial establishments as defined in the Act. The wages limit for the applicability of the Act is Rs. 1,000 per mensem. It is proposed to amend the Act with a view to extending its protection to a larger number of persons and making the provisions of the Act more effective and beneficial.

2. With the aforementioned objects in view, the Bill seeks to make the following amendments in the Act :—

(i) The provisions of the Act are being made applicable automatically and without any notification by the State Government to persons employed in the various categories of industrial establishments falling within the purview of the existing definition of the industrial establishment in the Act [Clause 3 (a) of the Bill].

(ii) The existing definition of "industrial establishment" is being converted as a definition of "industrial or other establishment" and a residuary clause is being provided to enable the Central Government and the State Governments to bring within the purview of the definition, by notification in the Official Gazette, other establishments. It is also being provided that the State Governments may extend the provision of the Act to other establishments which are so brought within the purview of the definition, subject to the prior concurrence of the Central Government in the case of any such industrial establishment which is owned by the Central Government. [Clause 3(b) and Clause 4 of the Bill].

(iii) The existing wage limit for applicability of the Act is being enhanced from Rs. 1,000 to 1,600 per month [Clause 3(c) of the Bill].

(iv) Section 7 of the Act relating to the deductions which may be made by an employer from the wages payable to an employed person is being amended to enable deductions being made, with the written authorisation of such an employed person, for payment of the employees' contribution to any welfare fund constituted by the employer for the welfare of employed persons and the members of their families and also for payment of the fees payable by the employed person for membership of any trade union (Clause 11 of the Bill).

(v) The punishment for contravention of the provisions of the Act under Section 20 of the Act are being made more stringent [Clause 11 of the Bill].

(vi) provision is being made for payment of amounts due to an employed person at the time of his death to a nominee of such employed person [Clause 13 of the Bill].

(vii) The other amendments proposed in the Bill are of a minor, formal or consequential nature".

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of long title and preamble.*—In the Payment of Wages Act, 1936 (4 of 1936) (hereinafter referred to as the principal Act), in the long title and in the preamble, for the words “persons employed in industry”, the words “employed persons” shall be substituted.

3. *Amendment of Section 1.*—In Section 1 of the principal Act,—

(a) in sub-section (4),—

(i) for the words “factory and to persons”, the words “factory, to persons” shall be substituted ;

(ii) after the words “contract with a railway administration”, the words, brackets, letters and figures, “and to persons employed in an industrial or other establishment specified in sub-clauses (d) to (g) of clause (ii) of Section 2” shall be inserted ;

(b) in sub-section (5),—

(i) for the words “any industrial establishment or in any class or group of industrial establishments”, the words, brackets, letter and figures “any establishment or class of establishments specified by the Central Government or a State Government under sub-clause (h) of clause (ii) of Section 2” shall be substituted ;

(ii) for the proviso, the following proviso shall be substituted, namely :

“Provided that in relation to any such establishment owned by the Central Government, no such notification shall be issued except with the concurrence of that Government”;

(c) in sub-section (6), for the words “one thousand rupees”, the words “one thousand six hundred rupees” shall be substituted.

4. *Amendment of Section 2.*—In Section 2 of the principal Act, in clause (ii),—

(a) in the opening portion, for the words “industrial establishment” means”, the words “industrial or other establishment” means” shall be substituted;

(b) after sub-clause (g), the following sub-clause shall be inserted, namely :

“(h) any other establishment or class of establishments which the Central Government or a State Government may, having regard to the nature thereof, the need for protection of persons employed therein and other relevant circumstances, specify, by notification in the Official Gazette.”

5. *Amendment of Section 3.*—In Section 3 of the principal Act, in the proviso, for clause (b), the following clause shall be substituted, namely :

“(b) in industrial or other establishments, if there is a person responsible to the employer for the supervision and control of the industrial or other establishment.”

6. *Amendment of Section 5.*—In Section 5 of the principal Act, in clauses (a) and (b) of sub-section (1), for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted.

7. *Amendment of Section 7.*—In Section 7 of the principal Act, in sub-section (2), after clause (k), the following clauses shall be inserted, namely :—

“(kk) deductions made, with written authorisation of the employed person, for the payment of his contribution to any fund constituted by the employer or a trade union registered under the Trade Unions Act, 1926 (16 of 1926), for the welfare of the employed persons or the members of their families, or both, and approved by the State Government or any officer specified by it in this behalf, during the continuance of such approval ;

(kkk) deductions made, with the written authorisation of the employed person, for payment of fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926 (16 of 1926).”

8. *Amendment of Section 8.*—In Section 8 of the principal Act,—

(a) in sub-section (4), for the words “half-an-anna in the rupee”, the words “three per cent” shall be substituted ;

(b) in the Explanation, for the words “industrial establishment” the words “industrial or other establishment” shall be substituted.

9. *Amendment of Section 14.*—In section 14 of the principal Act,—

(a) in sub-section (3), for the words “industrial establishments”, the words “industrial or other establishments” shall be substituted;

(b) in sub-section (4), in clause (b) and (c), for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted ;

(c) in sub-section (4-A),—

(i) for the words and figures “Code of Criminal Procedure, 1898 (5 of 1898),” the words and figures “Code of Criminal Procedure, 1973 (2 of 1973)” shall be substituted ;

(ii) for the word and figures “Section 98”, the words and figures “Section 94” shall be substituted.

10. *Amendment of Section 18.*—In Section 18 of the principal Act, for the words and figures “Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898), the words and figures “Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

11. *Amendment of Section 20.*—In Section 20 of the principal Act,—

(a) in sub-section (1), for the words “which may extend to five hundred rupees”, the word “which shall not be less than two hundred rupees but which may extend to one thousand rupees shall be substituted ;

(b) in sub-section (2), for the words “two hundred rupees”, the words “five hundred rupees” shall be substituted;

(c) in sub-section (3), for the words “which may extend to five hundred rupees”, the words “which shall not be less than two hundred rupees but which may extend to one thousand rupees” shall be substituted ;

(d) in sub-section (4),—

(i) in clause (b), for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted;

(ii) for the words "which may extend to five hundred rupees" occurring at the end, the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(c) in sub-section (5), for the words "which may extend to three months, or with fine which may extend to one thousand rupees, or with both" the words "which shall not be less than one month but which may extend to six months and with fine which shall not be less than five hundred rupees but which may extend to three thousand rupees" shall be substituted;

(f) in sub-section (6), for the words "fifty rupees", the words "one hundred rupees" shall be substituted.

12. *Amendment of Section 25.*—In Section 25 of the principal Act,—

(a) for the words "employed in a factory", the words "employed in a factory or an industrial or other establishment" shall be substituted;

(b) for the words "displayed in such factory", the words "displayed in such factory or industrial or other establishment" shall be substituted;

(c) for the words "in the factory" the words "in the factory or industrial or other establishment" shall be substituted.

13. *Insertion of new Section 25-A.*—After Section 25 of the principal Act, the following section shall be inserted, namely :—

"25-A. *Payment of undisbursed wages in cases of death of employed person.*—(1) Subject to the other provisions of the Act, all amounts payable to an employed person as wages shall, if such amounts could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known,—

(b) be paid to the person nominated by him in this behalf in accordance with the rules made under this Act; or

(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the prescribed authority who shall deal with the amounts so deposited in such manner as may be prescribed.

(2) Where, in accordance with the provisions of sub-section (1), all amounts payable to an employed person as wages—

(a) are paid by the employer to the person nominated by the employed person; or

(b) are deposited by the employer with the prescribed authority, the employer shall be discharged of his liability to pay those wages."

14. *Amendment of Section 26.*—In Section 26 of the principal Act;—

(a) in sub-section (3).—

(i) in clause (1), the word "and", occurring at the end, shall be omitted;

(ii) after clause (1), the following clauses shall be inserted, namely :—

"(1a) prescribe the form and manner in which nominations may be made for the purposes of sub-section (1) of Section 25-A, the cancellation or variation of any such nomination, or the making of any fresh nomination in the event of the nominee predeceasing the person making nomination, and other matters connected with such nominations :

(lb) specify the authority with whom amounts required to be deposited under clause (b) of sub-section (1) of Section 25-A shall be deposited, and the manner in which such authority shall deal with the amounts deposited with it under that clause;

(b) in sub-section (6),—

(i) for the words “two successive sessions”, the words “two or more successive sessions” shall be substituted;

(ii) for the words “in which it is so laid or the session immediately following”, the words “immediately following the session of the successive sessions aforesaid” shall be substituted;

THE RUBBER (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the Vice-President on the 22nd October, 1982 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 52, dated October 23, 1982:

INDIAN PARLIAMENT ACT NO. 54 OF 1982

An Act further to amend the Rubber Act, 1947.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Rubber (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In section 3 of the Rubber Act, 1947 (24 of 1947), (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted, namely:—

“(cc) “Executive Director” means the Executive Director appointed under this Act;”

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (3),—

(a) in clause (c), the word “and” occurring at the end shall be omitted;

(b) after clause (c), the following clause shall be inserted, namely:—

“(cc) the Executive Director, *ex officio*; and”

4. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) for the words “The Chairman”, the words “A person appointed as the whole-time Chairman” shall be substituted;

(b) after the words “Central Government”, the words “and a person appointed as the part-time Chairman shall be entitled to such honorarium and allowances, if any, and such other conditions of service as may from time to time be fixed by the Central Government” shall be inserted.

5. *Amendment of section 6A.*—In section 6A of the principal Act,—

(a) sub-section (1) shall be renumbered as sub-section (1A), and and before sub-section (1A) as so renumbered, the following sub-section shall be inserted, namely:—

"(1) The Central Government may appoint an Executive Director to exercise such powers and perform such duties under the direction of the Board as may be prescribed or as may be delegated to him by the Chairman."

(b) in sub-section (3), for the words "The Rubber Production Commissioner", the words "The Executive Director, the Rubber Production Commissioner" shall be substituted;

(c) in sub-section (4), for the words "The Chairman", the words "The Chairman, if whole-time, the Executive Director," shall be substituted.

6. *Amendment of section 25.*—In section 25 of the principal Act,—
(a) in sub-section (2), in clause (vi), after the words "the powers and duties of", the words "the Executive Director," shall be inserted;

(b) in sub-section (3), for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following," the words "two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

THE CHARITABLE ENDOWMENTS (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the Vice-President on the 25th October, 1982, and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 54, dated October 29, 1982

INDIAN PARLIAMENT ACT NO. 56 OF 1982

An Act further to amend the Charitable Endowments Act, 1890.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Charitable Endowments (Amendment) Act, 1982.

2. *Amendment of section 13.*—In section 13 of the Charitable Endowments Act, 1890 (6 of 1890), sub-section (2) shall be re-numbered as sub-section (1), and—

(a) in sub-section (1) as so re-numbered, after the words "The appropriate Government may", the words ", by notification in the Official Gazette," shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely :—

"(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

THE SUGAR CESS (AMENDMENT) ACT, 1982

The following Act of the Parliament received the assent of the Vice-President on the 25th October, 1982 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 55, dated October 29, 1982,

INDIAN PARLIAMENT ACT NO. 57 OF 1982

An Act to amend the Sugar Cess Act, 1982.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follow :—

1. *Short title and commencement.*—(1) This Act may be called the Sugar Cess (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

“STATEMENT OF OBJECTS AND REASONS

It has been decided by the Government to build and maintain buffer stocks of sugar with a view to stabilizing sugar price and the ups and downs in the sugar industry. The salient features of the scheme are as follows :

(a) Initially the size of the buffer stocks would be five lakh tonnes to be built out of the non-levy sugar.

(b) The buffer stocks quantity would be kept as sequestered stocks with the sugar mills and the share of each mill pro-rated to its production.

(c) For the quantity of buffer stocks, hundred per cent. bank credit would be provided. In addition the mills would be compensated for holding the buffer stocks by providing to them some holding costs and interest charges.

(d) Funds would be raised to pay the compensation to the sugar mills by providing for the levy of additional cess on sugar. Instead of having separate legislation and machinery for the levy of such additional cess and the administration of the funds raised thereby, it is proposed to avail of the provisions of the Sugar Cess Act, 1982 and the Sugar Development Fund Act, 1982 for the purpose by making suitable amendments therein.

2. Under the Sugar Cess Act, 1982, cess may be levied on sugar by notification at a rate not exceeding ten rupees per quintal and pending the issue of such a notification, such cess is leviable at the rate of five rupees per quintal. For the purpose of securing the additional funds needed in connection with the maintenance of the buffer stocks of sugar, it is proposed to increase the maximum rate at which cess may be levied under that Act by notification from rupees ten per quintal to rupees fifteen per quintal. It is also proposed to increase the rate at which cess may be levied pending the issue of a notification in that behalf from rupees five per quintal to rupees fourteen per quintal. The additional cess which will be levied as a result of these amendments will have a marginal effect on the consumer who will be more than compensated by the protection he will get, as a result of the maintenance of buffer stocks of sugar, from repeated price fluctuations.

3. The Act seeks to achieve the above object. Provision already exists in the Sugar Development Fund Act, 1982 for crediting of the

proceeds of the cess as reduced by the cost of collection to the Sugar Development Fund. That Fund will be applied, in addition to the existing purposes of rehabilitation and modernisation of sugar factories, etc., for defraying some holding costs and interest charges to the sugar mills in connection with the building up and maintenance of buffer stocks of sugar.

[Vide Statement of Objects and Reasons-published in the Gazette of India, Extraordinary-Part II, Sec. 2, No. 70 dated 13th November, 1982, Editor.)

2. *Amendment of section 3.*—In section 3 of the Sugar Cess Act, 1982 (3 of 1982.) in sub-section (1),—

(a) for the words “ten rupees”, the words “fifteen rupees” shall be substituted;

(b) in the proviso, for the words “five rupees”, the words “fourteen rupees” shall be substituted.

THE ASSAM APPROPRIATION (NO. 3) ACT, 1982

The following Act of the Parliament received the assent of the Vice-President on the 25th October, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 57, dated October, 29, 1982.

INDIAN PARLIAMENT NO. 59 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the the State of Assam for the services of the financial year 1982-83.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. This Act may be called the Assam Appropriation (No. 3) Act, 1982.

(Text Omitted)

THE APPROPRIATION (NO. 4) ACT, 1982

The following Act of the Parliament received the assent of the Vice-President on the 25th October, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 58, dated October 29, 1982.

INDIAN PARLIAMENT ACT NO. 60 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

Be it enacted by Parliament in the Thirty-third year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Appropriation (No 4) Act, 1982.

(Text Omitted)

THE SALARY ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (SECOND AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the Vice-President on the 6th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 59, dated November 6, 1982.

INDIAN PARLIAMENT ACT NO. 61 OF 1982

An Act further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Salary, Allowances and Pension of Members of Parliament (Second amendment) Act, 1982.

2. *Amendment of Section 4.*—In section 4 of the Salary, Allowances and Pension of Members of Parliament Act, 1954, (30 of 1954) (hereinafter referred to as the principal Act), in sub-section (1),—

(a) in clause (a), for the words “third class”, the words “second class” shall be substituted;

(b) in sub-clause (ii) of clause (c), for the words “at the rate of one rupee per kilometer”, the words “at the rate of one rupee and thirty paise per kilometer or at such higher rate as may be prescribed by rules made under section 9 having regard to the highest rate allowed to a Central Government officer of the First Grade in respect of road journeys” shall be substituted.

3. *Amendment of section 6B.*—In section 6B of the principal Act,—

(a) in clause (ii), for the words “third class”, the words “first class” shall be substituted;

(b) in clause (iii), after the words “every session”, the words “and if such journey or any part thereof is performed by air, to an amount equal to the fare by air for such journey or part thereof” shall be inserted;

(c) in the proviso,

(i) for the words “third class”, wherever they occur, the words “first class” shall be substituted;

(ii) for the words “shall be deducted from the difference referred to in that clause”, the words “shall be adjusted against the difference referred to in that clause; so, however, that the member shall not be entitled to claim the balance of such first class fare left after such adjustment,” shall be substituted;

4. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely :—

“(cc) the rate at which road mileage shall be paid under sub-clause (ii) of clause (c) of sub-section (1) of section 4;”

THE SUGAR DEVELOPMENT FUND (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on the 6th November, 1982, and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 62, dated November 8, 1982.

INDIAN PARLIAMENT ACT NO. 64 OF 1982

An Act to amend the Sugar Development Fund Act, 1982.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Sugar Development Fund (Amendment) Act, 1982.

(2). It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

‘STATEMENT OF OBJECTS AND REASONS’

This Bill is a sequel to the Sugar Cess (Amendment) Bill, 1982. For the purpose of generating the necessary funds for maintaining buffer stocks of sugar, the Sugar Cess (Amendment) Bill, 1982, seeks to amend the Sugar Cess Act, 1982, for increasing the rate at which cess may be levied under that Act on sugar. This Bill seeks to amend the Sugar Development Fund Act, 1982, to provide that the Sugar Development Fund under the Act, to which the proceeds of the duty of excise levied and collected under the Sugar Cess Act, 1982 as reduced by the cost of collection, are required to be credited after due appropriation made by Parliament by law, may be utilised also for the purpose of defraying some holding costs and interest charges to sugar mills for building up and maintenance of buffer stocks of sugar;

[Vide Statement of Objects and Reasons, published in the Gazette of India, Extraordinary, Part II, Sec. 2, No. 70, dated 13th November, 1982].

2. *Amendment of section 4.*—In section 4 of the Sugar Development Fund Act, 1982 (4 of 1982) in sub-section (1), after clause (b), the following clause shall be inserted, namely :—

“(bb) for defraying expenditure for the purpose of building up and maintenance of buffer stocks of sugar with a view to stabilising price of sugar.”

THE ANTI-HIJACKING ACT, 1982

The following Act of the Parliament received the assent of the President on the 6th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 63 dated November 8, 1982.

INDIAN PARLIAMENT ACT NO. 65 OF 1982

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith.

Whereas a Convention for the Suppression of Unlawful Seizure of Aircraft was, on the 16th day of December, 1970, signed at The Hague;

And whereas it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent, application and commencement.*—(1) This Act may be called the Anti-Hijacking Act, 1982.

(2) It extends to the whole of India and save as otherwise provided in this Act, it applies also to any offence thereunder committed outside India by any person.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

“STATEMENT OF OBJECTS AND REASONS

In recent years, there has been an increase in offences by way of unlawful seizure of aircraft or hijacking. A convention for the Suppression of Unlawful Seizure of Aircraft was drawn up at the diplomatic conference held at The Hague in December, 1970 for adoption by States, by the representatives of 77 Governments. For dealing more effectively with offences involving unlawful seizure of aircraft or hijacking, it is proposed that India should ratify this Convention. The ratification of the Convention involves obligation for making necessary legal provisions for giving effect thereto.

2. The salient features of the Convention are :

(a) Nature of acts to which the Convention applies.—The Hague Convention has created a new international offence of unlawful seizure of aircraft alias, hijacking. The Convention covers offences committed by any person on board an aircraft in flight.

A person who unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control of the aircraft, commits the offence of hijacking, whatever his nationality and whatever the State in which the aircraft is registered and whether the aircraft is in India or elsewhere.

The Convention applies equally to attempts made and to accomplices who are on board the aircraft.

The Convention calls for the offences to be made punishable by severe penalties

(b) Aircraft to which the Convention does not apply.—The Convention does not apply to military aircraft or to aircraft belonging to customs or police service.

(c) The Convention is applicable only to aircraft in flight that is to say, from the moment when all its external doors are closed following the embarkation until the moment when any such door is opened for disembarkation, or “in the case of forced landing—until the competent authorities take over the responsibility for the aircraft and for persons and property on board”. Any pre-flight or post-flight attempt at hijacking will primarily be the concern of the territorial State and not within the scope of the Convention.

(d) the prime purpose of the Convention is to ensure the punishment to hijacker so as to deter hijacking. To this end, the Convention obliges every contracting State to whose territory an alleged hijacker is found either to extradite him or to punish him.

(e) Jurisdiction.—In respect to offences and acts committed on board an aircraft, the Convention without prejudice to the exercise of jurisdiction by the State over whose air-space the offence was committed confers jurisdiction on the State of registration of the aircraft, the State of residence of the lessee of a leased aircraft who has its principal place of business or when the lessee has no such place of business, his permanent residence in that State and any State where the offender is found. Thus a limited principle of universality has been introduced in the Convention so that a hijacker should not be able to find a haven of immunity at least among the contracting States.

3. Though The Hague Convention does not apply to hijacking of an aircraft when both the place of take off and the place of landing are situated in the country in which the aircraft is registered, it is proposed to avail of the present opportunity to cover such cases also in respect of aircraft registered in India."

[Vide Statement of Objects and Reasons, published in the Gazette of India, Extraordinary, Part II, Sec. 2, No. 53 dated 22nd October, 1982]

2. *Definitions* — In this Act, unless the context otherwise requires,—

(a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service ;

(b) "aircraft registered in India" means an aircraft which is for the time being registered in India ;

(c) "Convention country" means a country in which The Hague Convention is for the time being in force ;

(d) "Hague Convention" means the Convention for the Suppression of unlawful Seizure of Aircraft signed at The Hague on the 16th day of December, 1970 ;

(e) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in any such force detailed for the purpose.

CHAPTER

HIJACKING AND CONNECTED OFFENCES

3. *Hijacking*.—(1) Whoever on board an aircraft in flight, unlawfully, by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, commits the offence of hijacking of such aircraft.

(2) Whoever attempts to commit any of the acts referred to in subsection (1) in relation to any aircraft, or abets the commission of any such act, shall also be deemed to have committed the offence of hijacking of such aircraft.

(3) For the purposes of this section, an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board.

4. *Punishment for hijacking*.—Whoever commits the offence of hijacking shall be punished with imprisonment for life and shall also be liable to fine.

5. *Punishment for acts of violence connected with hijacking*.—

Whoever, being a person committing the offence of hijacking of an aircraft, commits, in connection with such offence, any act of violence against any passenger or member of the crew of such aircraft, shall be punished with the same punishment with which he would have been punishable under any law for the time being in force in India if such act had been committed in India.

6. *Jurisdiction.*—(1) Subject to the provisions of sub-section (2), where an offence under section 4 or section 5 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(2) No court shall take cognizance of an offence punishable under section 4 or section 5 which is committed outside India unless—

(a) such offence is committed on board an aircraft registered in India ;

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business or where he has no such place of business, his permanent residence in India ; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

CHAPTER III

MISCELLANEOUS

7. *Provisions as to extradition.*—(1) The offences under section 4 and section 5 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 (34 of 1962) to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

8. *Contracting Parties to Convention.*—The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to The Hague Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

9. *Power to treat certain aircraft to be registered in Convention countries.*—If the Central Government is satisfied that the requirements of Article 5 of The Hague Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

10. *Previous sanction necessary for prosecution.*—No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

11. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act

THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION ACT, 1982

The following Act of Parliament received the assent of the President on 6th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 64, dated November 8, 1982.

INDIAN PARLIAMENT ACT NO 66 OF 1982

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and for matters connected therewith.

Whereas a Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation was, on the 23rd day of September, 1971, signed at Montreal;

And whereas it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follow :—

CHAPTER I PRELIMINARY

1. *Short title extent, application and commencement.*—(1) This Act may be called the *Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982*.

(2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to offence under section 3 committed outside India by any person.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

“STATEMENT OF OBJECTS AND REASONS

For dealing more effectively with offences against the safety of civil aviation, it is proposed that India should ratify the Convention drawn up at the diplomatic Conference held at The Hague in December 1970 (popularly known as the Hague Convention) for dealing with hijacking, and the Convention adopted at the diplomatic Conference held at Montreal in 1971 (popularly known as the Montreal Convention) for the suppression of unlawful acts against the safety of civil aviation. The ratification of these Conventions involves an obligation for making necessary legal provisions for giving effect thereto. While the Anti-Hijacking Bill, 1982 makes provisions for giving effect to the Hague Convention, this Bill seeks to make the necessary provisions for giving effect to the Montreal Convention.

2. The salient features of the Montreal Convention are :—

(a) Nature of acts to which this Convention applies.—The Montreal Convention has created new international offences. Any person—

(i) performing an act of violence against a person on board an aircraft in flight if by that act the safety of that aircraft is in danger;

(ii) destroying an aircraft in service or causing damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

(iii) placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger it in flight;

(iv) destroying or damaging air navigation facilities or interfering with their operation if by such act the safety of the aircraft is likely to be endangered;

(v) communicating information which he knows to be false, thereby endangering the safety of an aircraft in flight, commits an offence punishable by severe penalties by virtue of this Convention. Also, any person commits an offence entailing severe penalties if he attempts to commit any of the above-mentioned offences and an accomplice of a person who commits or attempts to commit any such offence will also be committing an offence under this Convention punishable by severe penalties. In other words, this Convention applies equally to attempts made and to accomplices as well.

(b) *Aircraft to which the Convention does not apply*—The Montreal Convention does not apply to military aircraft or to aircraft belonging to customs or police service.

(c) *Applicability of the Convention*.—The Convention is applicable not only at the stage when the aircraft is in flight but also at the stage of preparation on ground preceding the flight and for twenty-four hours after the landing of the aircraft. For the purposes of the Convention, an aircraft is deemed to be in flight from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, or in the case of forced landing, until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

(d) *Purpose of the Convention*.—This Convention primarily aims at ensuring that any person committing an offence, under this Convention is punished. To this end, the Convention requires every State where the alleged offender is found, either to extradite him or to prosecute him.

(e) *Jurisdiction*—In respect of offences under this Convention, a number of States have been given concurrent jurisdiction. These are the States where the offence is committed, the State of registration of the aircraft against or on board which the offence is committed, the State where the alleged offender is found and in the case of an offence committed against or on board an aircraft leased without crew to a lessee, the State where the lessee has his principal place of business or if the lessee has no such place of business, the State of his permanent residence. Thus, a limited principle of universality has been introduced with a view to achieve the objective that an offender under this Convention does not find a haven of immunity at least amongst the contracting States.

3. The Montreal Convention does not apply to acts which are offences in relation to an aircraft when both the place of take off and the place of landing of such aircraft are situated in the country in which the aircraft is registered. It is proposed to avail of the present opportunity to cover such cases also in respect of aircraft registered in

India. Further, the Convention applies only to those air navigation facilities which are used in international air navigation. It is proposed to cover all air navigation facilities and not merely to those used in international air navigation."

[Vide statement of Object, and Reasons published in the Gazette of India, Extraordinary., Part II, Sec. 2, No. 53 dated 22nd October, 1982).

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;

(b) "aircraft registered in India" means an aircraft which is for the time being registered in India ;

(c) "Convention country" means a country in which the Montreal Convention is for the time being in force;

(d) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in such force detailed for the purpose;

(e) "Montreal Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971.

(2) For the purposes of this Act,—

(a) an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board;

(b) an aircraft shall be deemed to be in service from the beginning of the pre-flight preparation of the aircraft by the ground staff or by the crew for a specific flight until twenty-four hours after any landing and the period of such service shall include the entire period during which the aircraft is in flight.

CHAPTER II

OFFENCES

3. *Offence of committing violence on board an aircraft in flight, etc.*—(1) Whoever unlawfully and intentionally—

(a) commits an act of violence against a person on board an aircraft in flight which is likely to endanger the safety of such aircraft ; or

(b) destroys an aircraft in service or causes damage to such aircraft in such a manner as to render it incapable of flight or which is likely to endanger its safety in flight ; or

(c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that

aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight : or

(d) communicates such information which he knows to be false so as to endanger the safety of an aircraft in flight, shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

4. *Destruction of, or damage to, air navigation facilities.*—(1) Whoever unlawfully and intentionally destroys or damages air navigation facilities or interferes with their operation in such a manner as is likely to endanger the safety of the aircraft in flight shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

5. *Jurisdiction.*—(1) Subject to the provisions of sub-section (2), where an offence under section 3 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(2) No court shall take cognizance of an offence punishable under section 3 which is committed outside India unless—

(a) such offence is committed on board an aircraft registered in India :

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business, or where he has no such place of business, his permanent residence in India ; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India

CHAPTER III

MISCELLANEOUS

6. *Provisions as to extradition.*—(1) The offences under section 3, and section 4 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country

7. *Contracting parties to Convention.*—The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Montreal Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

8 *Power to treat certain aircraft to be registered in convention countries.*—If the Central Government is satisfied that the requirements of Article 9 of the Montreal Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

9. *Previous sanction necessary for prosecution.*—No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

10. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act

THE INTERNATIONAL MONETARY FUND AND BANK (AMENDMENT) ACT, 1982.

The following Act of the Parliament received the assent of the President on the 9th November, 1982 and was published in the Gazette, of India Extraordinary Part II, Section 1, No. 65, dated November 10, 1982.

INDIAN PARLIAMENT ACT NO. 67 OF 1982

An Act further to amend the International Monetary Fund and Bank Act, 1945.

Be it enacted by Parliament in Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the International Monetary Fund and Bank (Amendment) Act, 1982.

(2) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the International Monetary Fund and Bank Act, 1945 (hereinafter referred to as the principal Act),—

(1) in sub-section (1),—

(a) in clause (a), the words, brackets, letter and figure “, and paragraph (a) of section 4,” shall be omitted;

(b) in clause (b), for the words, brackets, letter and figures “paragraph (b) of section 8 of Article IV”, the words and figures “section 11 of Article V” shall be substituted;

(c) in clause (c), for the words and figures “Article XXVI”, the words and figures “Article XX” shall be substituted;

(d) in clause (dd), for the word and figures “Article XXVI”, the words and figures “Article XX” shall be substituted;

(e) in clause (e), for the words and letters “Schedule D or Schedule E”, the words and letters “Schedule I, Schedule J or Schedule K” shall be substituted;

(2) in sub-section (2), for the word and figure "section 5", the word and figure "section 4" shall be substituted;

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(1) in sub-section (1), after the words "Where under", the words, brackets, letter and figures "paragraph (b) of section 3 of Article IV of" shall be inserted;

(2) in sub-section (3), the portion beginning with the words "and the provisions of" and ending with the words "in that section" shall be omitted.

4. *Amendment of section 7.*—In sub-section (2) of section 7 of the principal Act, for the words "in two successive sessions", the words "in two or more successive sessions", and for the words "the session in which it is so laid or the session immediately following", the words "the session immediately following the session or the successive sessions aforesaid" shall be substituted.

5. *Amendment of Schedule to Act.*—In the Schedule to the principal Act, in Part I,—

(1) in Article IX,—

(a) in section 6, for the word "operations", the word "activities" shall be substituted;

(b) in section 8, for the word "officers and employees", the words, figures, brackets and letter "members of committees, representatives appointed under Article XII, section 3(j), advisers of any of the foregoing persons, officers and employees" shall be substituted;

(2) after Article IX, the following Article shall be inserted namely:—

"ARTICLE XXI

ADMINISTRATION OF THE GENERAL DEPARTMENT AND THE SPECIAL DRAWING RIGHTS DEPARTMENT

(a)

(b) In addition to the privileges and immunities that are accorded under Article IX of this Agreement, no tax of any kind shall be levied on special drawing rights or on operations or transactions in special drawing rights."

THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1982

The following Act of Parliament received the assent of the President on the 13th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 67, dated November 13, 1982.

INDIAN PARLIAMENT ACT No. 69 OF 1982.

An Act to amend the Sales Promotion Employees (Conditions of Service) Act, 1976,

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Sales Promotion Employees (Conditions of Service) Amendment Act, 1982.

2. *Insertion of new section 11A.*—In the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976) (hereinafter

referred to as the principal Act), after section 11, the following section shall be inserted, and shall be deemed always to have been inserted, namely :—

“11A. *Effect of laws and agreements inconsistent with this Act.*—

(1) The provisions of this Act or of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement, settlement or contract of service, whether made before or after the coming into force of this Act;

Provided that where under any such law, award, agreement, settlement or contract of service, a sales promotion employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the sales promotion employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he is entitled to receive benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a sales promotion employee from entering into an agreement with his employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.”.

3. *Saving.*—Notwithstanding the retrospective operation of section 11A, as inserted in the principal Act by section 2 of this Act, no contravention of, or no failure to comply with, any of the other provisions of the principal Act or of any rule made thereunder shall render any person guilty of any offence if such contravention or failure—

(a) occurred before the date of coming into force of this Act, and

(b) would not have been punishable as an offence if section 2 of this Act had not come into force.

THE LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND (AMENDMENT) ACT, 1982.

The following Act of Parliament received the assent of the President on the 13th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 68, dated November 13, 1982.

INDIAN PARLIAMENT ACT NO. 70 OF 1982

An Act to amend the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972.

Be it enacted by Parliament in the Thirty-third Year of the Republic Of India as follows :—

1. *Short title.*—This Act may be called the Limestone and Dolomite Mines Labour Welfare Fund (Amendment) Act, 1982.

2. *Amendment of section 2.*—In section 2 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972) (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely :—

“(bb) “limestone” includes minerals like lime-shell, calcareous sand and sea sand essentially composed of lime-shell, marl, kankar or lime-kankar;”-

3. *Amendment of section 2.*—In section 3 of the principal Act,—

(a) in clause (ii), for the words “iron or steel”, the words “iron, steel, ferro-alloys, alloy steels, chemicals, sugar, paper, fertilizers, refractories, iron ore pelletisation or such other article or goods or class of articles or goods, as the Central Government may, from time to time, specify by notification in the ‘Official Gazette’” shall be substituted and shall be deemed always to have been substituted;

(b) in the *Explanation*, for the words “cement, iron or steel”, the words, brackets and figures “any article or goods referred to in or specified under clause (ii)” shall be substituted and shall be deemed always to have been substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act, in clause (b), for the words “cement, iron or steel”, the words, brackets and figures “any article or goods referred to in or specified under clause (ii) of section 3” shall be substituted and shall be deemed always to have been substituted.

5. *Insertion of new section 7A.*—After section 7 of the principal Act, the following section shall be inserted, namely :—

“7A. *Power to co-opt etc.*—(1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Committee.

(2) A person co-opted under sub-section (1) to a Committee shall exercise and discharge all the powers and functions of a member thereof, but shall not be entitled to vote”.

6. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) in sub-section (1), for the words “Inspectors, Welfare Administrators”, the words “Welfare Commissioners, Welfare Administrators, Inspectors” shall be substituted ;

(b) in sub-section (3), for the words “Any Inspector or Welfare Administrator”, the words “Any Welfare Commissioner, Welfare Administrator or Inspector” shall be substituted.

7. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) in clause (m), for the words “an Inspector or a Welfare Administrator”, the words “a Welfare Commissioner or a Welfare Administrator or an Inspector” shall be substituted ;

(b) in clause (n), after the words “the occupier of factories”, the words “, the purchasing agents or stockists of limestone or dolomite” shall be inserted.

8. *Validation.*—Notwithstanding any judgment, decree or order of any court, tribunal or other authority,—

(a) all duties of excise levied, assessed or collected or purported to have been levied, assessed or collected under the principal Act before the commencement of this Act shall for all purposes, be deemed to be, and to have always been, as validly and effectively levied, assessed or collected as if the provisions of sections 3 and 4 of the principal Act as amended by section 3 and 4 of this Act had been in force at all material times ;

(b) no suit or proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of any decree or order directing the refund of, any such duty of excise which had been collected and which would have been validly collected if the provisions of section 3 and 4 of the principal Act, as amended by section 3 and 4 of this Act, had been in force at all material times ;

(c) refunds shall be made of all such duties of excise which have been collected but which would not have been so collected if the provisions of sections 3 and 4 of the principal Act, as amended by sections 3 and 4 of this Act, had been in force at all material times ;

(d) recoveries shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded if the provisions of section 3 and 4 of the principal Act, as amended by sections 3 and 4 of this Act, had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person, before the commencement of this act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

THE ANDHRA SCIENTIFIC COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1982.

The following Act of Parliament received the assent of the President on the 13th November, 1982 and was published in the Gazette of India, Extraordinary, Part II, Section I, No. 69, dated November 13, 1982.

INDIAN PARLIAMENT ACT No. 71 OF 1982.

An Act to provide for the acquisition and transfer of the undertakings of the Andhra Scientific Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continuity of production of scientific instruments which are vital to the needs of the country and for matters connected therewith or incidental thereto.

Whereas the Scientific Company Limited has been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951, (65 of 1951.) namely, scientific instruments ;

And whereas the management of the undertakings of the Andhra Scientific Company Limited was taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951 (65 of 1951.) ;

And whereas it is necessary to acquire the undertakings of the Andhra Scientific Company Limited to ensure that the interests of the general public are served by the continuance, by the undertakings of the Company, of the production of the aforesaid articles which are vital to the needs of the country ;

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act, 1982.

(2) The provisions of section 27 and 28 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of July, 1981.

(Text omitted)

THE INDUSTRIAL DEVELOPMENT BANK OF INDIA (AMENDMENT) ACT, 1982

The following Act of Parliament received the assent of the President on the 13th November, 1982 and was published in the Gazette of India, Extra Ordinary Part II, Section 1, No. 70, dated November 13, 1982.

INDIAN PARLIAMENT ACT NO. 72 OF 1982

An Act further to amend the Industrial Development Bank of India, Act, 1964

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Industrial Development Bank of India (Amendment) Act, 1982.

2. *Amendment of section 4.*—In section 4 of the Industrial Development Bank of India Act, 1964, in the proviso, for the words “two hundred crores of rupees”, the words “five hundred crores of rupees” shall be substituted.

THE STATE BANK OF SIKKIM (ACQUISITION OF SHARES) AND MISCELLANEOUS PROVISIONS ACT, 1982

The following Act of the Parliament received the Assent of the President on the 6th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 60, dated November 8, 1982.

INDIAN PARLIAMENT ACT NO. 62 OF 1982

An Act to provide, in the public interest, for the acquisition of certain shares of the State Bank of Sikkim for the purpose of better consolidation and extension of banking facilities in the State of Sikkim and for matters connected therewith or incidental thereto.

Whereas for the purpose of better consolidation and extension of banking facilities in the State of Sikkim, it is expedient to provide for a single apex banking institution in the State, and for that purpose to provide for the acquisition of certain shares of the State Bank of Sikkim and for matters connected therewith or incidental thereto ;

Be It enacted by Parliament in the Thirty third Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act, 1982.

(2) It shall come into force on such date as the Central Government may, notification in the Official Gazette, appoint.

2 *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date on which this Act comes into force ;

(b) "co-operative bank" means the Sikkim State Co-operative Bank Limited, a society registered under the Sikkim Co-operative Societies Act, 1978 (Sikkim Act No. 12 of 1978.) ;

(c) "notification" means a notification published in the Official Gazette ;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) "Sikkim Bank" means the State Bank of Sikkim constituted under the Bank of Sikkim Proclamation, 1968 ;

(f) "State Government" means the State Government of Sikkim ;

(g) "United Commercial Bank" means the United Commercial Bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970) ;

(h) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meaning respectively assigned to them in that Act

CHAPTER II

ACQUISITION AND TRANSFER OF CERTAIN SHARES OF SIKKIM BANK

3. *Vesting in the Central Government of certain shares of Sikkim Bank.*—(1. On the appointed day, all the shares in the share capital of the State Bank of Sikkim, other than the shares held by the State Government, shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government

(2) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment or injunction or any decree or order of any court, tribunal or other authority restricting the use of such shares in any manner shall be deemed to have been withdrawn.

(3) Notwithstanding the transfer of the shares of the Sikkim Bank to the Central Government under sub-section (1), any person holding such shares, who immediately before the appointed day is entitled to payment of dividend on such shares, shall be entitled to receive from the co-operative bank—

(a) all dividends accruing due on his shares in respect of the half-year which ended before the appointed day and remaining unpaid ;

(b) dividends calculated at a rate to be specified by the Central Government in respect of any period immediately preceding the appointed day for which the Sikkim Bank had not declared any dividend.

CHAPTER III

VESTING OF UNDERTAKINGS OF SIKKIM BANK IN THE CENTRAL GOVERNMENT

4. *Vesting of undertaking of Sikkim Bank.*—On the appointed day, the undertakings of the Sikkim Bank shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

5. General effect of vesting—(1) The undertakings of the Sikkim Bank shall be deemed to include all assets, powers, authorities and privileges, and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Sikkim Bank in relation to its undertakings, and all books of account, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Sikkim Bank in relation to its undertakings.

(2) Unless otherwise expressly provided in this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Sikkim Bank is a party or which are in favour of the said Bank shall be of as full force and effect against or in favour of the Central Government.

(3) If, on the appointed day, any suit, appeal or other proceedings of whatever nature in relation to any business of the undertakings which have been transferred under section 4 is pending by or against the Sikkim Bank, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer of the undertakings of the Sikkim Bank or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government.

6. Vesting of the shares and undertakings of Sikkim Bank in the State Government—(1) Notwithstanding anything contained in sections 3, 4 and 5, the Central Government shall, as soon as may be, after the commencement of this Act, direct, by notification, that the shares of the Sikkim Bank which have vested in the Central Government under section 3, and the undertakings of the Sikkim Bank which have vested in the Central Government under section 4 shall, instead of continuing to vest in the Central Government, vest in the State Government of Sikkim, on the date of the notification.

(2) Where the shares and the undertakings of the Sikkim Bank vest in the State Government under sub-section (1), the State Government shall, on and from the date of such vesting, be deemed to have become the owner in relation to such shares and undertakings and all the rights and liabilities of the Central Government in relation to such shares and undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the State Government.

7. Power of State Government to direct vesting of the undertakings of Sikkim Bank in the Sikkim Co-operative bank—(1) Notwithstanding anything contained in sections 4, 5 and 6, the State Government may, if it is satisfied that the co-operative bank is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, including the terms and conditions regarding allotment of its shares, direct by notification, that the undertakings of the Sikkim Bank which have vested in the Central Government under

section 4 and thereafter in the State Government under section 6, shall, instead of continuing to vest in the State Government, vest in the co-operative bank either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the undertakings of the Sikkim Bank vest in the co-operative bank under sub-section (1), that bank shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government or the State Government in relation to such undertakings and all the rights and liabilities of the Central Government or the State Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the co-operative bank.

CHAPTER IV

PAYMENT OF AMOUNTS

8. *Payment of amounts.*—(1) For the transfer to, and vesting in, the Central Government, of the shares of the Sikkim Bank under section 3, there shall be given by the Central Government to the holders of such shares in cash and in the manner specified in the Schedule, an amount of rupees eight lakhs twelve thousand two hundred and ninety-five.

(2) The amount specified in sub-section (1) shall carry simple interest at the rate of five and a half per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made to the shareholders.

CHAPTER V

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF SIKKIM BANK

9. *Management, etc., of the undertakings of Sikkim Bank.*—(1) The State Government in which the undertakings of the Sikkim Bank have vested under section 6 shall be entitled to exercise all such powers and do all such things as the Sikkim Bank is authorised to exercise and do in relation to its undertakings.

(2) The general superintendence, direction, control and management of the affairs and business of the Sikkim Bank which have vested under section 4 in the Central Government and under section 6 in the State Government shall, where a direction has been made by the State Government under sub-section (1) of section 7 vest in the co-operative bank specified in such direction, and, thereupon, the co-operative bank shall be entitled to exercise all such powers and do all such thing as the Sikkim Bank is authorised to exercise and do in relation to its undertakings.

10. *Date of delivery, possession of property acquired and documents relating thereto.*—(1) On the vesting of the undertakings of the Sikkim Bank in the State Government under section 6, every person in whose possession or custody or under whose control any property referred to in sub-section (1) of section 5 may be, shall deliver the the property to the State Government forthwith.

(2) Any person, who, on the appointed day, has in his possession or under his control any books, documents or other papers relating to

the undertakings of the Sikkim Bank which have vested in the State Government under section 6 and which belong to that Bank, or would have so belonged if the undertakings of the Sikkim Bank had not vested in the State Government, shall be liable to account for the said books, documents or other papers to the State Government and shall deliver them up to the State Government.

(3) The State Government may take, or cause to be taken, all necessary steps for securing possession of all properties which have vested in that Government under this Act.

CHAPTER VI

PROVISIONS RELATING TO THE EMPLOYEES OF THE SIKKIM BANK

11. *Transfer of service of existing officers and employees of the Sikkim Bank to the co-operative bank.*—(1) Every officer or other employee of the Sikkim Bank (excepting the Managing Director thereof) in the employment of the Sikkim Bank immediately before the appointed day shall become,—

(a) an officer or other employee of the State Government on and from the appointed day, and

(b) where the undertakings of the Sikkim Bank are directed, under sub-section (1) of section 7, to vest in the co-operative bank, an officer or other employee of the co-operative bank on and from the date of such vesting, and shall hold his office or service under the State Government or the co-operative bank, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government or the co-operative bank, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the State Government, or by the co-operative bank, as the case may be.

(2) Any person who, on the appointed day, is entitled to, or is in receipt of, a pension or other superannuation or compassionate allowance or benefit from the Sikkim Bank or any provident fund, pension or other fund or any authority administering such fund shall be entitled to be paid by, and to receive from, the co-operative bank or any provident fund, pension or other fund or any authority administering such fund, the same pension, allowance or benefit so long as he observes the conditions on which the pension, allowance or benefit was granted, and if any question arises as to whether he has so observed such conditions, the question shall be determined by the State Government.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no appointment made or promotion, increment in salary, pension allowance or any other benefit granted to any person after the 16th day of November, 1976, and before the appointed day which would not ordinarily have been made or granted or which would not ordinarily have been admissible under the rules or authorisations of the Sikkim Bank or of any provident fund or other fund in force prior to the 16th day of November, 1976, shall have effect or be payable or claimable from the co-operative bank or from any provident fund, pension or other fund or from any authority administering the fund, unless the State

Government has, by general or special order, confirmed the appointment, promotion or increment, or has directed the continued grant of the pension, allowance or other benefit, as the case may be.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Sikkim Bank to the State Government or the co-operative bank shall not entitle such officer or other employee to any compensation under that Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) Any person holding office as Managing Director of the Sikkim Bank immediately before the appointed day shall be deemed to have vacated his office as such on the appointed day and, notwithstanding anything contained in this Act or in any other law for the time being in force or in any agreement or contract, he shall not be entitled to any amount from the Sikkim Bank, State Government, or the co-operative bank for the loss of office or for the premature termination of any agreement or contract relating to his employment, except such pension, amount or other benefit which the co-operative bank may grant to him, having regard to what that person would have received as an officer of the Sikkim Bank if this Act had not been passed and if he had retired from his employment in the ordinary course.

(6) Where the Managing Director of the Sikkim Bank has, after the 16th day of November, 1976 and before the appointed day, been paid any sum by way of compensation or gratuity, the co-operative bank shall be entitled to claim refund of any sum so paid if the payment is not confirmed by the State Government by general or special order.

CHAPTER VII MISCELLANEOUS

12. *Act to have overriding effect* — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

13. *Protection of action taken in good faith* — (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the State Government, or the co-operative bank or any officer of the State Government, or the co-operative bank or other person authorised by the Central Government or the State Government or the co-operative bank, for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government, or the State Government or the co-operative bank or any officer or other employee of the State Government or the co-operative bank or other person authorised by the State Government or the co-operative bank, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

14. Penalties.—Any person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Sikkim Bank, wrongfully withholds such property from the Central Government, or the State Government or the co-operative bank; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Sikkim Bank or wilfully withholds or fails to furnish to the Central Government or the State Government or the co-operative bank or any person or body of persons specified by that Government or the State Government or the co-operative bank, any document relating to such undertaking which may be in his possession, custody or control or fails to deliver to the Central Government, or the State Government or the co-operative bank or any person or body of persons specified by the Central Government or the State Government or the co-operative bank, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Sikkim Bank; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Sikkim Bank or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

15. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

16. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by section 17 and 18, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1) the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

17. *Power of Central Government to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Power to remove difficulties*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

19. *References to Sikkim Bank in other laws.*—On and from the appointed day, any reference to Sikkim Bank in any law (other than this Act or the State Bank of Sikkim Proclamation, 1968) or in any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government, be deemed to be a reference to the co-operative bank.

20. *Dissolution of Sikkim Bank.*—On the date of the issue of notification under sub-section (1) of section 6, the Sikkim Bank shall stand dissolved, and the State Bank of Sikkim Proclamation, 1968, shall stand repealed: and the provisions of section 6 of the General Clauses Act 1897, (10 of 1897) shall apply to such repeal as if the said Proclamation were a Central Act.

THE SCHEDULE

[See section 8 (1)]

MANNER OF PAYMENT OF AMOUNT FOR THE TRANSFER OF SHARES OF THE STATE BANK OF SIKKIM TO THE CENTRAL GOVERNMENT.

1. In this Schedule "shareholder" means any person who immediately before the appointed day, is registered as the holder of a share in the Sikkim Bank, other than the State Government of Sikkim.

2. For every share in the share capital of the Sikkim Bank which, by reason of this Act, is transferred to and vested in the Central Government, the Central Government shall pay to every holder thereof in the manner specified in paragraph 3 of this Schedule an amount calculated at the rate of rupees fifty-five per share.

3. Every person who is registered as the holder of a share in the Sikkim Bank on the appointed day and whose shares have been acquired under the provisions of this Act shall, for every such share so held by him, be paid an amount calculated at the rate specified in paragraph 2 by cheque drawn on the Reserve Bank of India.

THE ROAD TRANSPORT CORPORATIONS (AMENDMENT) ACT, 1982

The following Act of the Parliament received the assent of the President on the 6th November, 1982 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 61, dated November 8, 1982:

INDIAN PARLIAMENT ACT NO. 63 OF 1982

An Act further to amend the Road Transport Corporation Act, 1950.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Road Transport Corporations (Amendment) Act, 1982

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

“STATEMENT OF OBJECTS AND REASONS.”

The Road Transport Corporation Act, 1950 was enacted to enable State Governments to set up Transport Corporations with the object of providing efficient, adequate, economical and properly coordinated system of road transport services. In the light of the changed circumstances, the suggestions which have been received from the State Governments, different Ministries of the Central Government and other agencies concerned, it is proposed to make certain amendments in the said Act with a view primarily to secure the better functioning of the Road Transport Corporations under the Act.

2. The more important amendments proposed in the Bill are the following :—

(a) Section 1 of the Act is being amended to provide for the extension of the Act to the Union territory of Mizoram (vide clause 2)

(b) The organizational set up of the Road Transport Corporations under the Act is being modified to provide for each corporation a Board of Directors consisting of a Chairman and other Directors in place of the Chairman and members of the Corporation. This approach would help in keeping the agency through which a Corporation has to function distinct from the Corporation itself. It is also proposed to provide that in addition to the Chairman, each Board may consist of not less than five and not more than seventeen other Directors (vide clause 3).

(c) Section 8 of the principal Act is being amended, inter alia, for including therein provisions for removal of the Chairman or any other Director on grounds of misconduct (including abuse of power and corruption [vide clause 5 (b)]).

(d) In the context of the growing activities of the Corporations, it is felt that certain activities of a Corporation could be better attended to by subsidiary corporations. To facilitate this process, provision is being included to enable each Road Transport Corporation to frame, with the concurrence of the State Government concerned and the Central Government, scheme or schemes providing for the establishment of one or more subsidiary corporations (vide clause 10).

(e) At present, a Road Transport Corporation cannot raise any share capital where loan capital has been provided to it by the Central Government and the State Government. With a view to augmenting the resources of the Corporation and to enable the Corporations to undertake development schemes, section 23 of principal Act is being amended to enable a Corporation which has received a loan capital from the Central Government and the State Government to raise share capital. Opportunity is also being taken to enable the Central Government or the State Government to convert the whole or any part of the loan capital provided by it under the said section 23 into share capital (vide clause 12).

(f) Section 26 of the principal Act relating to borrowing powers of Road Transport Corporations is being substituted by a new section to enable a Corporation, with the approval of the State Government, to borrow money not only in the open market, but also from the nationalised banks, State Financial Corporations, the Industrial Finance Corporation of India, the Industrial Development Bank of India, the Life Insurance Corporation of India, or any other financial institution providing credit which is subject to the Control of the Reserve Bank of India. Such borrowing may be either for the purpose of raising working capital or for meeting any expenditure of a capital nature (vide clause 13).

[Vide Statement of Objects and Reasons published, in the Gazette of India, Extraordinary, Part II, Section 2, No. 66, dated 24th December, 1981].

2. *Amendment of Section 1.*—In sub-section (2) of section 1 of the Road Transport Corporations Act, 1950 (64 of 1950), (hereinafter referred to as the principal Act), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that on and from the commencement of the Road Transport Corporations (Amendment) Act, 1982, this Act, as amended by the said Act, shall extend to the Union territory of Mizoram.”

3. *Substitution of new section for section 5.*—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Management of Corporation and Board of Directors.*—(1) The general superintendence, direction and management of the affairs and business of a Corporation shall vest in a Board of Directors which, with the assistance of its committees and Managing Director, may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.

(2) The Board shall consist of a Chairman and such other Directors, being not less than five and not more than seventeen, as the State Government may think fit to appoint

(3) The State Government may, if it so thinks fit, appoint one of the other Directors as the Vice-Chairman of the Board.

(4) Rules made under this Act shall provide for the representation, both of the Central Government and of the State Government concerned, on the Board in such proportion as may be agreed to by both

the Governments and of appointment by each Government of its own representatives thereto and where the capital of a Corporation is raised by the issue of shares to other parties under sub-section (3) of section 23, provision shall also be made for the representation of such shareholders on the Board and the manner in which the representatives shall be elected by such shareholders.

(5) The term of office of and the manner of filling casual vacancies among the Directors shall be such as may be prescribed.”

4. *Amendment of Section 6.*—In section 6 of the principal Act,—

(a) in sub-section (1), in the opening portion, for the words “member of a Corporation”, the words “Director of a Corporation” shall be substituted;

(b) in sub-section (2), for the words “Chief Executive Officer or General Manager”, the words “Managing Director” shall be substituted and for the word “member”, the word “Director” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Nothing in clause (c) of sub-section (1) shall be deemed to disqualify,—

(a) any officer or other employee of the Government for being chosen as, or for being, a Director of a Corporation;

(b) any officer or other employee of a Corporation for being chosen as, or for being, a Director of another Corporation.”

5. *Amendment of section 8.*—Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered,—

(i) in the opening portion, for the word “member”, the word “Director” shall be substituted;

(ii) in clause (b), for the word “Corporation”, the word “Board” shall be substituted;

(iii) in the proviso, for the words “members nominated”, the words “Director appointed” shall be substituted;

(b) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely :—

“(2) The State Government may terminate the appointment of any Director after giving him notice for such period (being not less than one month) as may be prescribed;

Provided that the appointment of a Director appointed by the Central Government shall not be terminated under this sub-section without the concurrence of that Government.”

6. *Amendment of section 12.*—Section 12 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered,—

(i) in the opening portion, for the word “Corporation”, the word “Board” shall be substituted;

(ii) in clause (a), for the words “of its members”, the words “consisting of Directors”, the words “Managing Director” shall be substituted;

(iii) in clause (c), for the words "Chief Executive Officer or General Manager", the words "Managing Director" shall be substituted ;

(b) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) The Chairman or Managing Director may delegate any of his powers and duties [including powers and duties delegated to him under sub-section (1) to any officer of the Corporation, and the officer to whom such powers and duties are delegated, shall exercise and perform such powers and duties under the control and supervision of the Managing Director."

7. *Substitution of new section for section 13*—For section 13 of the principal Act, the following section shall be substituted, namely :—

"13. *Authentication of orders and other instruments*.—All orders and decisions of the Board shall be authenticated by the signature of the Secretary or by any such other officer of the Corporation as may be authorised in this behalf by the Board or under the regulations made under section 45 and all other instruments issued by a Board shall be authenticated by the signature of the Managing Director or any other officer of the Corporation authorised in like manner in this behalf."

8. *Amendment of section 14*.—In section 14 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every Corporation shall have a Managing Director, a Chief Accounts Officer and a Financial Adviser, appointed by the State Government :

Provided that the same person may be appointed as the Chief Accounts Officer and the Financial Adviser."

(b) in sub-section (2), for the words "such other officers and servants", the words "a Secretary and such other officers and employees" shall be substituted ;

(c) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The conditions of appointment and service and the scales of pay of the officers and employees of a Corporation shall—

(a) as respects the Managing Director, the Chief Accounts Officer and the Financial Adviser, or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser, be such, as may be prescribed, and

(b) as respects the other officers and employees, be such, as may, subject to the provisions of section 34, be determined by regulations made under this Act."

9. *Substitution of new section for section 15*.—For section 15 of the principal Act, the following section shall be substituted, namely :—

"15. *Managing Director, Chief Accounts Officer and Financial Adviser*.—(1) The Managing Director shall be the executive head of the Corporation and all other officers and employees of the Corporation shall be subordinate to him.

(2) The Managing Director shall obtain the views of the Chief Accounts Officer and the Financial Adviser or, as the case may be, the

Chief Accounts Officer-cum-Financial Adviser, on every proposal involving revenues, or expenditure from the fund of the Corporation and shall cause such views to be placed before the Board prior to the consideration of such proposal by the Board."

10. *Insertion of new Chapter IIA.*—In the principal Act, after Chapter II, the following Chapter shall be inserted, namely :—

"CHAPTER IIA

SUBSIDIARY CORPORATIONS

17A. *Establishment of subsidiary corporations.*—(1) Where a Corporation (hereafter in this section referred to as the parent Corporation) is satisfied that it is expedient or necessary so to do for the more efficient discharge of its functions under this Act, it may, with the concurrence of the State Government and the Central Government, frame by notification in the Official Gazette a scheme or schemes providing for the establishment of one or more subsidiary corporations.

(2) A scheme framed under sub-section (1) shall specify the subsidiary corporation or corporations which shall become established thereunder, the date or dates with effect from which they shall be so established, the powers and functions of the parent Corporation which such subsidiary corporation or corporations may exercise and discharge, the conditions and limitations subject to which such powers may be exercised, the management of the affairs of each such subsidiary corporation and all other matters relating to such subsidiary corporations corresponding to the various matters for which provisions have been made in this Act with respect to the parent Corporation :

Provided that—

(a) no subsidiary corporation shall start operation on any new route without the previous approval of the parent Corporation ;

(b) the representatives of the Central Government on the Board of Directors of a subsidiary corporation shall be in proportion to its contribution to the capital of the parent Corporation ;

(c) the liability of the Central Government to provide contribution to the capital of the subsidiary corporation or to the parent Corporation shall not be increased without the approval of the Central Government ;

(d) a subsidiary corporation shall have a Managing Director, a Chief Accounts Officer and a Financial Adviser or a Chief Accounts Officer-cum-Financial Adviser, and such officers shall be appointed by the State Government ;

(e) the State Government and the parent Corporation shall have power to give directions to a subsidiary corporation in respect of any matter, including directions relating to recruitment, conditions of service and training of the employees of the subsidiary corporation, wages to be paid to such employees, reserves to be maintained by the subsidiary corporation ;

(f) the capital budget, the revenue budget and the annual development plans of a subsidiary corporation shall be submitted for approval to the parent Corporation and where such budget or plan involves any deficit, also to the State Government.

(3) Every subsidiary corporation established under a scheme framed under sub-section (1) shall be a body corporate, by the name

specified in the scheme having perpetual succession and a common seal and shall by the said name sue and be sued.”.

11. *Amendment of section 19.*—In section 19 of the principal Act,—

(a) in clause (e) of sub-section (2), for the words “or any other stores of scrap value”, the words “any other stores of scrap value, or such other stores as may be declared to be obsolete in the prescribed manner” shall be substituted ;

(b) in sub-section (5), for the words “officers and servants”, the words “officers and other employees” shall be substituted.

12. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) The Corporation may, whether or not any capital is provided to it under sub-section (1), raise by the issue of shares such capital (hereafter in this section referred to as the “authorised share capital”) as may be authorised in this behalf by the State Government :

Provided that where any capital is provided to the Corporation under sub-section (1), no capital may be raised under this sub-section without the previous approval of the Central Government.

(2A) Any capital raised under sub-section (2) with the previous approval of the Central Government may be,—

(a) in addition to the capital provided to the Corporation under sub-section (1) ;

(b) subscribed to by the Central Government or the State Government, as the case may be, by converting the whole or any part of the capital provided [whether before or after the commencement of the Road Transport Corporations (Amendment) Act, 1982] to the Corporation by that Government under sub-section (1).” ;

(b) in sub-section (3), for the words “authorised capital”, the words “authorised share capital” shall be substituted.

13. *Substitution of new section for section 26.*—For section 26 of the principal Act, the following section shall be substituted, namely :—

“26. *Borrowing powers.*—A Corporation may, with the previous approval of the State Government, borrow money for the purpose of raising its working capital or meeting any expenditure of a capital nature in the open market or from a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970.), or section 3 of the Banking Company (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980.), a State Finance Corporation, established under section 3 of the State Financial Corporations Act, 1951 (63 of 1951), the Industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948.), the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964.), the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956.), or any other financial institution

providing credit which is subject to the control of the Reserve Bank of India.”.

14. *Amendment of section 27.*—In sub-section (2) of section 27 of the principal Act, after the words “or with the agents of the Reserve Bank of India,”, the words, figures and brackets “or with the corresponding new banks constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970.), or section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980.)”, shall be inserted.

15. *Continuance of existing members of Corporations.*—Every person holding office immediately before the commencement of this Act as the Chairman, Vice-Chairman or other member of a Road Transport Corporation, established under section 3 of the principal Act, shall, on such commencement, be deemed to have been appointed as the Chairman, Vice-Chairman or other Director (as the case may be) of the Board of Directors of the said Corporation under the principal Act, as amended by this Act, for the remainder of the term for which such person would have continued to hold office as the Chairman, Vice-Chairman or other member of such Corporation, if this Act had not been enacted.

16. *Consequential amendments.*—The amendments directed in the Schedule (being of consequential nature) shall be made in the principal Act.

THE SCHEDULE

(See section 16)

CONSEQUENTIAL AMENDMENTS

Section 2.—(a) After clause (a), insert the following :—

(aa) “Board” means the Board of Directors of a Corporation;;

(b) after clause (b), insert the the following ;—

“(bb) “Director” means a member of the Board;.”

Section 7.—For “member”, substitute “Director”.

Section 9.—For “Corporation”, substitute “Corporation or its Board” and for “amongst its members”, substitute “in its Board”.

Section 10.—For “Corporation” wherever it occurs, substitute “Board”.

Section 11.—(a) For “Corporation”, wherever it occurs, substitute “Board”.

(b) in sub-section (2), for “such member as may be chosen by the members present”, substitute “such Director as may be chosen by the Directors present”.

Section 16.—For “officer or servant”, substitute “officer or other employee”.

Section 24.—After “(2),”, insert “(2A)”.

Section 28.—(a) In sub-section (1), for “the capital of a Corporation”, substitute “the whole or part of the capital of a Corporation.”

(b) in sub-section (2), for “raises its capital”, substitute “raises the whole or any part of its capital”.

Section 37.—In sub-section (1), for officers or servants”, substitute “officers or other employees”.

Section 38.—In clause (a) of sub-section (2), for “members”, wherever it occurs, substitute “Directors”.

Section 42.—For “officer or servant”, substitute “officer or other employee”.

Section 43.—For “members”, substitute “Directors” and for “officers and servants”, substitute “officers and other employees”.

Section 44.—In sub-section (2),—

(a) for clause (a), substitute the following :—

“(a) the conditions and manner of appointment of Directors of a Corporation, the representation in the Board of the Central and State Governments, and where share are issued to other parties under sub-section (3) of section 23 of such shareholders and generally all matters relating to the constitution of the Board;”;

(b) for clause (b), substitute the following :—

“(b) remuneration, allowances or fees paid to the Directors of the Corporation or other persons associated with the Board under section 10;”;

(c) in clause (c), for “members”, substitute “Directors”;

(d) in clause (d) for “members”, substitute “Directors” and for “Corporation”, substitute “Board”;

(e) in clause (e) “Chief Executive Officer or General Manager and the Chief Accounts Officer”, substitute “Managing Director, the Chief Accounts Officer, the Financial Adviser or, as the case may be, the Chief Accounts Officer-cum Financial Adviser”;

(f) after clause (f), insert the following :—

“(ff) the procedure in accordance with which any stores may be declared obsolete under sub-section (2) of section 19;”.

Section 45.—In sub-section (2),—

(a) in clause (a) and (b), for “Corporation”, substitute “Board”;

(b) in clause (c), for “servants of the Corporation, other than the Chief Executive Officer or General Manager and the Chief Accounts Officer”, substitute “other employees of the Corporation other than the Managing Director, the Chief Accounts Officer and the Financial Adviser or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser”.

THE DRUGS AND COSMETICS (AMENDMENT) ACT, 1982

The following Act of the Parliament received the assent of the President on the 13th November, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 66, dated November 13, 1982.

INDIAN PARLIAMENT ACT NO 68 OF 1982

An Act further to amend the Drugs and Cosmetics Act, 1940.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Drugs and Cosmetics (Amendment) Act 1982

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Substitution of certain expressions, by new expressions.*—In the Drugs and Cosmetics Act, 1940 (23 of 19-0) (hereinafter referred to as the principal Act),—

(a) for the words and brackets "Aurvedic (including Siddha) or Unani", wherever they occur, the words "Aurvedic, Siddha or Unani" shall be substituted ;

(b) for the words and brackets "Ayurvedic (including Siddha) and Unani", wherever they occur, the words "Ayurvedic, Siddha and Unani" shall be substituted.

3 *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in clause (a),—

(i) for the words "disease in human being, mentioned in and processed and manufactured", the words "disease or disorder in human beings or animals, and manufactured" shall be substituted ;

(ii) for the words and brackets "Ayurvedic (including Siddha) and Unani (Tibb) systems of medicine", the words "Ayurvedic, Siddha and Unani Tibb systems of medicine" shall be substituted ;

(b) in clause (aa), in sub-clause (i) for the words "Ayurvedic and Unani Drugs Technical Advisory Board", the words "Ayurvedic, Siddha and Unani Drugs Technical Advisory Board" shall be substituted ;

(c) in clause (aaa), the words "but does not include soap" shall be omitted ;

(d) in clause (b),—

(1) for sub-clause (i), the following sub-clause shall be substituted, namely :—

"(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes,";

(2) after sub-clause (ii), the following sub-clauses shall be inserted, namely :—

"(iii) all substances intended for use as components of a drug including empty gelatin capsules ; and

(iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette, after consultation with the Board ;"

(e) in clause (f), for the words "sale and distribution", the words "sale or distribution" shall be substituted ;

(f) for clause (h), the following clause shall be substituted, namely :—

"(h) "patent or proprietary medicine" means,—

(i) in relation to Ayurvedic, Siddha or Unani Tibb systems of medicine all formulations containing only such ingredients mentioned in the formulae described in the authoritative books of Ayurveda, Siddha or Unani Tibb systems of medicine specified in the First Schedule, but does not include a medicine which is administered by parenteral route and also a formulation included in the authoritative books as specified in clause (a) ;

(ii) in relation to any other systems of medicine, a drug which is a remedy or prescription presented in a form ready for internal or external administration of human beings or animals and which is not included in the edition of the Indian Pharmacopoeia for the time being or any other Pharmacopoeia authorised in this behalf by the Central Government after consultation with the Drugs Technical Advisory Board constituted under section 5;’.

4. *Substitution of new heading for heading under Chapter III.*—For the heading under Chapter III, the following heading shall be substituted, namely :—

“IMPORT OF DRUGS AND COSMETICS”

5. *Substitution of new section for section 9.*—For section 9 of the principal Act, the following section shall be substituted, namely :—

“9. *Misbranded drugs.*—For the purposes of this Chapter, a drug shall be deemed to be misbranded—

(a) if it is so coloured, coated, powdered or polished that damage is concealed or if it is made to appear of better or greater therapeutic value than it really is; or

(b) if it is not labelled in the prescribed manner; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drugs or which is false or misleading in any particular.”.

6. *Substitution of new sections 9A, 9B, 9C and 9D for sections 9A and 9B.*—For sections 9A and 9B of the principal Act, the following sections shall be substituted, namely :—

“9A. *Adulterated drugs.*—For the purpose of this Chapter, a drug shall be deemed to be adulterated,—

(a) if it consists, in whole or in part, of any filthy putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quality or strength.

9B. *Spurious drugs.*—For the purposes of this Chapter, a drug shall be deemed to be spurious—

(a) if it is imported under a name which belongs to another drug; or

(b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive or bears upon its label or container the name of another drug unless it is plainly and conspicuously marked so as to reveal its lack of identity with such other drug; or

(c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist ; or

(d) if it has been substituted wholly or in part by another drug or substance ; or

(e) if it purports to be the product of a manufacturer of whom it is not truly a product.

9C. Misbranded cosmetics.—For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded—

(a) if it contains a colour which is not prescribed ; or

(b) if it is not labelled in the prescribed manner; or

(c) if the label or container or anything accompanying the cosmetic bears any statement which is false for misleading in any particular.

9D. Spurious cosmetics.—For the purposes of this Chapter, a cosmetic shall be deemed to be spurious,—

(a) if it is imported under a name which belongs to another cosmetic; or

(b) if it is an imitation of, or is a substitute for, another cosmetic or resembles another cosmetic in a manner likely to deceive or bears upon its label or container the name of another cosmetic, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other cosmetic; or

(c) if the label or container bears the name of an individual or a company purporting to be the manufacturer of the cosmetic which individual or company is fictitious or does not exist ; or

(d) if it purports to be the product of a manufacturer of whom it is not truly a product ”.

7. Amendment of section 10.—In section 10 of the principal Act,—

(a) in clause (b), for the words “or misbranded cosmetic”, the words “or misbranded or spurious cosmetic” shall be substituted;

(b) in clause (bb), for the words “adulterated”, the words “adulterated or supurious cosmetic” shall be substituted ;

(c) in clause (d), for the words “the true formula or list of ingredients contained in a manner readily intelligible to the members of the medical profession”, the words “the true formula or list of active ingredients contained in it together with the quantities thereof” shall be substituted ;

(d) the Explanation shall be omitted.

8. Insertion of new section 10A —After section 10 of the principal Act, the following section shall be inserted, namely :—

10A. Power of Central Government to prohibit import of drugs and cosmetics in public interest.—Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied that the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed for it or contains ingredients and in such quantity for which there is no therapeutic justification and that in the public interest it is necessary or expedient so do then, that Government may, by notification in the Official Gazette, prohibit the import of such drug or cosmetic ”

9. *Amendment of section 12.*—In section 12 of the principal Act—

(a) in sub-section (1), for the words “after consultation with the Board” the words “after consultation with or on the recommendation of the Board” shall be substituted;

(b) in sub-section (2),—

(i) in clause (a), for the words “and prescribe the form and conditions of such licences, the authority empowered to issue the same, and the fees payable therefor” the words “and prescribe the form and conditions of such licences the authority empowered to issue the same, the fees payable therefor and provide for the cancellation, or suspension of such licence in any case where any provision of this Chapter or the rules made thereunder is contravened or any of the conditions subject to which the licence is issued is not complied with” shall be substituted;

(ii) in clause (cc), for the word, figure and letter “section 9B”, the word, figure and letter “section 9A” shall be substituted;

(iii) in clause (k), after the words “of imported drugs or cosmetics” the words “including the use of packing material which comes into direct contact with the drugs” shall be inserted.

10. *Substitution of new section for section 13.*—For section 13 of the principal Act, the following section shall be substituted, namely:—

“13. *Offences.*—(1) Whoever himself or by any other person on his behalf imports,—

(a) any drug deemed to be adulterated under section 9A or deemed to be a spurious drug under section 9B or any spurious cosmetic referred to in section 9D or any cosmetic of the nature referred to in clause (ee) of section 10 shall be punishable with imprisonment for a term which may extend to three years and a fine which may extend to five thousand rupees;

(b) any drug or cosmetic other than a drug or cosmetic referred to in clause (a), the import of which is prohibited under section 10 or any rule made under this Chapter shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both;

(c) any drug or cosmetic in contravention of the provisions of any notification issued under section 10A shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(2) Whoever having been convicted of offence—

(a) under clause (a) or clause (c) of sub-section (1), is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both;

(b) under clause (b) of sub-section (1), is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) The punishment provided by this section shall be in addition to any penalty to which the offender may be liable under the provisions of section 11.”

11. *Amendment of section 15.*—In section 15 of the principal Act, for the words “of a Presidency Magistrate or of a Magistrate of the first class”, the words “of a Metropolitan Magistrate or of a Judicial Magistrate of the first class” shall be substituted.

12. *Amendment of heading under Chapter IV.*—In the heading under Chapter IV, for the word “DRUGS”, the words “DRUGS AND COSMETICS” shall be substituted.

13. *Substitution of new sections for sections 17, 17-A and 17-B.*—For sections 17, 17A and 17B of the principal Act, the following sections shall be substituted, namely :—

“17. *Misbranded drugs.*—For the purposes of this Chapter, a drug shall be deemed to be misbranded,—

(a) if it is so coloured, coated, powdered or polished that damage is concealed or if it is made to appear of better or greater therapeutic value than it really is; or

(b) if it is not labelled in the prescribed manner; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular.

17A. *Adulterated drugs.*—For the purposes of this Chapter, a drug shall be deemed to be adulterated,—

(a) if it consists in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quality or strength.

17B. *Spurious drugs.*—For the purpose of this Chapter, a drug shall be deemed to be spurious,—

(a) if it is manufactured under a name which belongs to another drug; or

(b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive or bears upon it or upon its label or container the name of another drug unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist; or

(d) if it has been substituted wholly or in part by another drug or substance; or

(e) if it purports to be the product of a manufacturer of whom it is not truly a product.

17C. *Misbranded cosmetics*.—For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded,—

- (a) if it contains a colour which is not prescribed; or
- (b) if it is not labelled in the prescribed manner; or
- (c) if the label or container or anything accompanying the cosmetic bears any statement which is false or misleading in any particular.

17D. *Spurious cosmetics*.—For the purposes of this Chapter, a cosmetic shall be deemed to be spurious,—

- (a) if it is manufactured under a name which belongs to another cosmetic; or
- (b) if it is an imitation of, or a substitute for, another cosmetic or resembles another cosmetic in a manner likely to deceive or bears upon it or upon its label or container the name of another cosmetic unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other cosmetic; or
- (c) if the label or container bears the name of an individual or a company purporting to be the manufacturer of the cosmetic which individual or company is fictitious or does not exist; or
- (d) if it purports to be the product of a manufacturer of whom it is not truly a product."

14. *Amendment of section 18*.—In section 18 of the principal Act,—

- (a) in clause (a),—
 - (i) in the opening portion, for the words "manufacture for sale, or sell, or stock or exhibit for sale," the words "manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale," shall be substituted;
 - (ii) for sub-clauses (i), (ii) and (iia), the following sub-clauses shall be substituted, namely:—
 - "(i) any drug which is not of a standard quality, or is misbranded, adulterated or spurious;
 - (ii) any cosmetic which is not of a standard quality or is misbranded or spurious ;"
 - (iii) in sub-clause (iii), for the words "the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession", the words "the true formula or list of active ingredient contained in it together with the quantities thereof" shall be substituted ;
 - (b) in clause (b), for the words "sell, or stock or exhibit for sale", the words "sell, or stock or exhibit or offer for sale," shall be substituted ;
 - (c) in clause (c),—
 - (i) for the words "manufacture for sale, or sell, or stock or exhibit for sale", the words "manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale", shall be substituted ;
 - (ii) in the second proviso, for the words "manufacture for sale, sale", the words "manufacture for sale or for distribution, sale, stocking or exhibiting or offering for sale" shall be substituted ;

(iii) the Explanation shall be omitted.

15. *Insertion of new section 18B.*—After section 18A of the principal Act, the following section shall be inserted, namely :—

“18B. *Maintenance of records and furnishing of information.*—Every person holding a licence under clause (c) of section 18 shall keep and maintain such records, registers and other documents as may be prescribed and shall furnish to any officer or authority exercising any power or discharging any function under this Act such information as is required by such officer or authority for carrying out the purposes of this Act.”

16. *Amendment of section 19.*—In section 19 of the principal Act, in sub-section (2), in the opening portion, for the the word “adulterated”, the words “adulterated or spurious” shall be substituted.

17. In section 20 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) No person who has any financial interest in the import, manufacture or sale of drugs or cosmetics shall be appointed to be a Government Analyst under sub-section (1) or sub-section (2) of this section.”

18. In section 21 of the principal Act, in sub-section (4), after the words “such authority”, the words, “having the prescribed qualifications”, shall be inserted.

19. *Amendment of section 22.*—In section 22 of the principal Act,—

(1) in sub-section 1,—

(a) for clauses (a), (b) and (c), the following clauses shall be substituted, namely :—

“(a) inspect,—

(i) any premises wherein any drug or cosmetic is being manufactured and the means employed for standardising and testing the drug or cosmetic;

(ii) any premises wherein any drug or cosmetic is being sold, or stocked or exhibited or offered for sale, or distributed ;

(b) take samples of any drug or cosmetic,—

(i) which is being manufactured or being sold or is stocked or exhibited or offered for sale, or is being distributed;

(ii) from any person who is in the course of conveying, delivering or preparing to deliver such drug or cosmetic to a purchaser or a consignee;

(c) at all reasonable times, with such assistance, if any, as he considers necessary,—

(i) search any person, who, he has reason to believe, has secreted about his person, any drug or cosmetic in respect of which an offence under this Chapter has been, or is being, committed; or

(ii) enter and search any place in which he has reason to believe that an offence under this Chapter has been, or is being, committed; or

(iii) stop and search any vehicle, vessel or other conveyance which he has reason to believe, is being used for carrying any drug or cosmetic in respect of which an offence under this Chapter has been, or is being, committed,

and order in writing the person in possession of the drug or cosmetic in respect of which the offence has been, or is being, committed, not to dispose of any stock of such drug or cosmetic for a specified period not exceeding twenty days, or unless the alleged offence is such that the defect may be removed by the possessor of the drug or cosmetic, seize the stock of such drug or cosmetic and any substance or article by means of which the offence has been or is being, committed or which may be employed for the commission of such offence;";

(b) in clause (cc), for the words, brackets and letter "in any place mentioned in clause (c)", the words, brackets and letter "with any person, or in any place, vehicle, vessels or other conveyance referred to in clause (c)" shall be substituted;

(c) after clause (cc), the following clause shall be inserted, namely:—

"(cca) require any person to produce any record, register, or other document relating to the manufacture for sale or for distribution, stocking, exhibition for sale, offer for sale or distribution of any drug or cosmetic in respect of which he has reason to believe that an offence under this Chapter has been, or is being, committed;";

(2) in sub-section (2),—

(a) for the words and figures "the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "the Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted;

(b) for the word and figures "section 98", the word and figures "section 94" shall be substituted;

(3) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Every record, register or other document seized under clause (cc) or produced under clause (cca) shall be returned to the person, from whom they were seized or who produced the same, within a period of twenty days of the date of such seizure or production, as the case may be, after copies thereof or extracts therefrom certified by that person, in such manner as may be prescribed, have been taken.";

(4) in sub-section (3), after the words "under this Chapter," the words, brackets, letters and figure "or refuses to produce any record, register or other document when so required under clause (cca) of sub-section (1)," shall be inserted.

20. *Amendment of section 23*—In section 23 of the principal Act, in clause (b) of sub-section (5) and in sub-section (6), for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.

21. *Insertion of new section 26A*.—After section 26 of the principal Act, the following section shall be inserted, namely:—

"26A. *Power of Central Government to prohibit manufacture, etc. of drug and cosmetic in public interest*.—Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied, that the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed or purported to be claimed for it or contains ingredients and in such quantity for which there is no therapeutic

justification and that in the public interest it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, prohibit the manufacture, sale or distribution of such drug or cosmetic.”

22. *Substitution of new sections for sections 27 and 27A.*—For sections 27 and 27A of the principal Act, the following sections shall be substituted, namely:—

“27. *Penalty for manufacture, sale, etc., of drugs in contravention of this Chapter.*—Whoever, himself or by any other person on his behalf, manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale or distributes,—

(a) any drug deemed to be adulterated under section 17A or spurious under section 17B or which when used by any person for or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code, (45 of 1860) solely on account of such drug being adulterated or spurious or not of standard quality, as the case may be, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to a term of life and with fine which shall not be less than ten thousand rupees;

(b) any drug—

(i) deemed to be adulterated under section 17A, but not being a drug referred to in clause (a), or

(ii) without a valid licence as required under clause (c) of section 18,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees:

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than one year and of fine of less than five thousand rupees;

(c) any drug deemed to be spurious under section 17B, but not being a drug referred to in clause (a) shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine which shall not be less than five thousand rupees:

Provided that the Court may, for any adequate and special reasons, to be recorded in the judgment, impose a sentence of imprisonment for a term of less than three years but not less than one year;

(d) any drug, other than a drug referred to in clause (a) or clause (b) or clause (c), in contravention of any other provision of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to two years and with fine :

Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than one year.

27A. Penalty for manufacture, sale etc., of cosmetics in contravention of this Chapter.—Whoever himself or by any other person on his behalf manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale—

(i) any cosmetic deemed to be spurious under section 17C shall be punishable with imprisonment for a term which may extend to three years and with fine :

(ii) any cosmetic other than a cosmetic referred to in clause (i) above in contravention of any provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both."

23. Amendment of section 28—In section 28 of the principal Act,—

(a) after the word, figures and letter "section 18A", the words and figures "or section 24" shall be inserted :

(b) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

24. Insertion of new sections 28A and 28B—After section 28 of the principal Act, the following sections shall be inserted, namely :—

"**28A. Penalty for not keeping documents, etc., and for non-disclosure of information**—Whoever without reasonable cause or excuse, contravenes the provisions of section 18B shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

28B. Penalty for manufacture, etc. of drugs or cosmetics in contravention of section 26A.—Whoever himself or by any other person on his behalf manufactures or sells or distributes any drug or cosmetic in contravention of the provisions of any notification issued under section 26A, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees."

25. Amendment of section 30.—In section 30 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely ;—

"(1) Whoever having been convicted of an offence,—

(a) under clause (b) of section 27 is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to six years and with fine which shall not be less than ten thousand rupees;

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years and the fine of less than ten thousand rupees;

(b) under clause (c) of section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term which shall not be less than six years but which may extend to ten years and with fine which shall not be less than ten thousand rupees;

(c) under clause (d) of section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term

which shall not be less than two years but which may extend to four years or with fine which shall not be less than five thousand rupees, or with both;”

(b) in sub-section (1A), for the words “one thousand rupees”, the words “two thousand rupees” shall be substituted

26. *Amendment of section 31.*—In section 31 of the principal Act,

(1) in sub-section (1),—

(a) for clause (i), the following clause shall be substituted, namely:—

“(i) manufacture of any drug deemed to be misbranded under section 17, adulterated under section 17A or spurious under section 17B; or”;

(b) in clause (ii), for the words “manufacture for sale or sale, or stocking or exhibiting for sale,”, the words “manufacture for sale, or for distribution, sale, or stocking or exhibiting or offering for sale,” shall be substituted;

(2) in sub-section (2), for the words “misbranded or adulterated drug, or misbranded cosmetic,”, the words “misbranded, adulterated or spurious drug or misbranded or spurious cosmetic”, shall be substituted.

27. *Amendment of section 32.*—In section 32 of the principal Act, in sub-section (2), for the words “a Presidency Magistrate or of a Magistrate of the first class”, the words “a Metropolitan Magistrate or of a Judicial Magistrate of the first class” shall be substituted.

28. *Amendment of section 32A.*—In section 32A of the principal Act, for the words, brackets and figures “in sub-section (1) of section 351 of the Code of Criminal Procedure, 1898 (5 of 1898)”, the words brackets and figures “in sub-sections (1), (2) and (3) of section 319 of the Code of Criminal Procedure, 1973 (2 of 1973)” shall be substituted.

29. *Amendment of section 33.*—In section 33 of the principal Act,—

(a) in sub-section (1), for the words “after consultation with the Board”, the words “after consultation with, or on the recommendation of, the Board” shall be substituted ;

(b) in sub-section (2),—

(1) in clause (dd), for the word, figures and letter “section 17B”, the word, figures and letter “section 17A” shall be substituted ;

(2) in clause (e),—

(i) for the words “for the manufacture for sale”, the words “for the manufacture for sale or for distribution” shall be substituted ;

(ii) after the words “authority empowered to issue the same”, the words “, the qualifications of such authority” shall be inserted ;

(iii) the words “and provide for the cancellation or suspension of such licences in any case where any provision of this Chapter or the rules made thereunder is contravened or any of the conditions subject to which they are issued is not complied with” shall be inserted at the end ;

(3) after clause (e), the following clauses shall be inserted, namely :—

“(ee) prescribe the records, registers or other documents to be kept and maintained under section 18B.

(cca) prescribe the fees for the inspection (for the purposes of grant or renewal of licences) of premises, wherein any drug or cosmetic is being or is proposed to be manufactured ;

(ccb) prescribe the manner in which copies are to be certified under sub-section (2A) of section 22 ;” ;

(4) in clause (i), after the words “other containers of drugs or cosmetics”, the words “including the use of packing material which comes into direct contact with the drugs” shall be inserted ;

(5) in clause (n), after the words “of Inspectors”, the words “and the qualifications of the authority to which such Inspectors shall be subordinate” shall be inserted.

30. *Amendment of section 33C.*—In section 33C of the principal Act,—

(a) in sub-section (1), for the words “Ayurvedic and Unani Drugs Technical Advisory Board”, the words “Ayurvedic, Siddha and Unani Drugs Technical Advisory Board” shall be substituted ;

(b) in sub-section (2),—

(i) for clause (iii), the following clause shall be substituted, namely :—

(iii) the principal officer dealing with Indian systems of medicine in the Ministry of Health, ex-officio ;” ;

(ii) for clause (viii), the following clause shall be substituted, namely :—

“(viii) four persons to be nominated by the Central Government, two from amongst the members of the Ayurvedic Pharmacopoeia Committee, one from amongst the members of the Unani Pharmacopoeia Committee and one from amongst the members of the Siddha Pharmacopoeia Committee ;” ;

(iii) for clauses (xi) and (xii), the following clauses shall be substituted, namely :—

“(xi) one teacher in Gunapadam to be nominated by the Central Government ;

(xii) three persons, one each to represent the Ayurvedic, Siddha and Unani drug industry, to be nominated by the Central Government ;

(xiii) three persons, one each from among the practitioners of Ayurvedic, Siddha and Unani Tibb systems of medicine to be nominated by the Central Government.”—

31. *Substitution of new sections for sections 33D and 33E.*—For sections 33D and 33E of the principal Act, the following sections shall be substituted, namely :—

“33D. *The Ayurvedic, Siddha and Unani Drugs Consultative Committee.*—(1) The Central Government may constitute an Advisory Committee to be called the Ayurvedic, Siddha and Unani Drugs Consultative Committee to advise the Central Government, the State Governments and the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board on any matter for the purpose of securing uniformity throughout India in the administration of this Act in so far as it relates to Ayurvedic, Siddha or Unani Drugs.

(2) The Ayurvedic, Siddha and Unani Drugs Consultative Committee shall consist of two persons to be nominated by the Central Govern-

ment as representatives of that Government and not more than one representative of each State to be nominated by the State Government concerned.

(3) The Ayurvedic, Siddha and Unani Drugs Consultative Committee shall meet when required to do so by the Central Government and shall regulate its own procedure.

33E. *Misbranded Drugs*.—For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be misbranded—

(a) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is ; or

(b) if it is not labelled in the prescribed manner ; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claims for the drug or which is false or misleading in any particular.

33EE. *Adulterated drugs*.—For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be adulterated,—

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance ; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health ; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) If it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) If it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quality or strength.

Explanation.—For the purpose of clause (a), a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any natural decomposition of the drug :

Provided that such decomposition is not due to any negligence on the part of the manufacture of the drug or the dealer thereof and that it does not render the drug injurious to health.

33EEA. *Spurious drugs*.—For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be spurious—

(a) if it is sold, or offered or exhibited for sale, under a name which belongs to another drug; or

(b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive, or bears upon it or upon its label or container the name of another drug unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist; or

(d) if it has been substituted wholly or in part by any other drug or substance; or

(e) if it purports to be the product of a manufacturer of whom it is not truly a product.

33EEB. Regulation of manufacture for sale of Ayurvedic, Siddha and Unani drugs.—No person shall manufacture for sale or for distribution any Ayurvedic, Siddha or Unani drug except in accordance with such standards, if any, as may be prescribed in relation to that drug.

33EEC. Prohibition of manufacture and sale of certain Ayurvedic, Siddha and Unani drugs.—From such date as the State Government may, by notification in the Official Gazette, specify in this behalf, no person, either by himself or by any other person on his behalf, shall—

(a) manufacture for sale or for distribution—

(i) any misbranded, adulterated or spurious Ayurvedic, Siddha or Unani drug;

(ii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true list of all the ingredients contained in it; and

(iii) any Ayurvedic, Siddha or Unani drug in contravention of any of the provisions of this Chapter or any rule made thereunder;

(b) sell, stock or exhibit or offer for sale or distribute any Ayurvedic, Siddha or Unani drug which has been manufactured in contravention of any of the provisions of this Act, or any rule made thereunder;

(c) manufacture for sale or for distribution, any Ayurvedic, Siddha or Unani drug, except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter by the prescribed authority:

Provided that nothing in this section shall apply to Vaidyas and Hakims who manufacture Ayurvedic, Siddha or Unani drug for the use of their own patients:

Provided further that nothing in this section shall apply to the manufacture, subject to the prescribed conditions, of small quantities of any Ayurvedic, Siddha or Unani drug for the purpose of examination, test or analysis.

33EED. Power of Central Government to prohibit manufacture, etc., of Ayurvedic, Siddha or Unani drugs in public interest.—Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied on the basis of any evidence or other material available before it that the use of any Ayurvedic, Siddha or Unani drug is likely to involve any risk to human beings or animals or that any such drug does not have the therapeutic value claimed or purported to be claimed for it and that in the public interest it is necessary or expedient so to do then, that Government may, by notification in the Official Gazette, prohibit the manufacture, sale or distribution of such drug ”.

32. *Amendment of section 33F.*—In section 33F of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) No person who has any financial interest in the manufacture or sale of any drug shall be appointed to be a Government Analyst under this section.”.

33. *Substitution of new sections for sections 33-I and 33J* —For sections 33-I and 33J of the principal Act, the following sections shall be substituted, namely :—

“33-I. *Penalty for manufacture, sale, etc., of Ayurvedic, Siddha or Unani drug in contravention of this Chapter.*—Whoever himself or by any other person on his behalf—

- (1) manufactures for sale or for distribution,—
- (a) any Ayurvedic, Siddha or Unani drug—
- (i) deemed to be adulterated under section 33EE, or
- (ii) without a valid licence as required under clause (c) of section 33EE,

shall be punishable with imprisonment for a term which may extend to one year and with fine which shall not be less than two thousand rupees;

(b) any Ayurvedic, Siddha or Unani drug deemed to be spurious under section 33EEA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees;

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than one year and of fine of less than five thousand rupees; or

(2) contravenes any other provisions of this Chapter or of section 24 as applied by section 33H or any rule made under this Chapter, shall be punishable with imprisonment for a term which may extend to three months and with fine which shall not be less than five hundred rupees.

33J. *Penalty for subsequent offences.*—Whoever having been convicted of an offence,—

(a) under clause (a) of sub-section (1) of section 33-I is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two thousand rupees;

(b) under clause (b) or sub-section (1) of section 33-I is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to six years and with fine which shall not be less than five thousand rupees;

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years and of fine of less than five thousand rupees;

(c) under sub-section (2) of section 33-I is again convicted of an offence under that sub-section, shall be punishable with imprisonment

for a term which may extend to six months and with fine which shall not be less than one thousand rupees.”

34. Amendment of section 33M.—In section 33M of the principal Act,—

(a) in sub-section (1), the words, brackets, figures and letter “with the previous sanction of the authority specified under sub-section (4) of section 33G” shall be inserted at the end;

(b) in sub-section (2), for the words “of a Presidency Magistrate or of a Magistrate of the first class”, the words “of a Metropolitan Magistrate or of a Judicial Magistrate of the first class” shall be substituted.

35. Amendment of section 33N.—In section 33N of the principal Act,—

(a) in sub-section (1), in the opening portion, for the words “after consultation with the Board”, the words “after consultation with, or on the recommendation of, the Board” shall be substituted;

(b) in sub-section (2),—

(1) in clause (c),—

(i) after the words “or Unani drugs”, the words “and for sale of processed Ayurvedic, Siddha or Unani drugs,” shall be inserted;

(ii) the words “and provide for the cancellation or suspension of such licences in any case where any provision of this Chapter or rules made thereunder is contravened or any of the conditions subject to which they are issued is not complied with” shall be inserted at the end;

(2) for clause (f), the following clause shall be substituted, namely :—

“(f) prescribe the conditions to be observed in the packing of Ayurvedic, Siddha and Unani drugs including the use of packing material which comes into direct contact with the drugs, regulate the mode of labelling packed drugs and prescribe the matters which shall or shall not be included in such labels;”;

(3) after clause (g), the following clauses shall be inserted, namely :—

“(gg) prescribe under clause (d) of section 33EE the colour or colours which an Ayurvedic, Siddha or Unani drug may bear or contain for purposes of colouring;

(gga) prescribe the standards for Ayurvedic, Siddha or Unani drugs under section 33 EEB;”.

36. Insertion of new section 34AA.—After section 34A of the principal Act, the following section shall be inserted, namely:—

“**34AA. Penalty for vexatious search or seizure.**—Any Inspector exercising powers under this Act or the rules made thereunder, who,—

(a) without reasonable ground of suspicion searches any place, vehicle, vessel or other conveyance; or

(b) vexatiously and unnecessarily searches any person; or

(c) vexatiously and unnecessarily seizes any drug or cosmetic, or any substance or article, or any record, register, document or other material object; or

(d) commits, as such Inspector, any other act, to the injury of any person without having reason to believe that such act is required for the execution of his duty,

shall be punishable with fine which may extend to one thousand rupees.”.

37. *Amendment of section 35.*—In section 35 of the principal Act, in sub-section (1), for the words “it shall be lawful for the Court before which the conviction takes place to cause”, the words “the Court before which the conviction takes place shall, on application made to it by the Inspector, cause” shall be substituted.

38. *Amendment of section 36.*—In section 36 of the principal Act,—

(a) for the words and figures “the Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “the Code of Criminal Procedure, 1973 (2 of 1974)”, shall be substituted;

(b) for the words “any Presidency Magistrate or any Magistrate of the first class”, the words “any Metropolitan Magistrate or any Judicial Magistrate of the first class” shall be substituted.

39. *Insertion of new section 36A.*—After section 36 of the principal Act, the following section shall be inserted, namely:—

“36A. *Certain offences to be tried summarily.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) all offences under this Act, punishable with imprisonment for a term not exceeding three years, other than an offence under clause (b) of sub-section (1) of section 33-I, shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witness who has been examined and proceed to hear or rehear the case in the manner provided by the said Code.”.

40. *Amendment of section 38.*—In section 38 of the principal Act, for the words “and if before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

41. *Amendment of First Schedule.*—In the First Schedule to the principal Act,—

(a) for the heading “A.—AYURVEDIC (INCLUDING SIDDHA) SYSTEM”, the heading “A.—AYURVEDIC AND SIDDHA SYSTEMS” shall be substituted;

(b) for the heading "B.—UNANI (TIBB) SYSTEM", the heading "B.—UNANI TIBB SYSTEM" shall be substituted.

42. *Transitory provision.*—(1) Until the constitution of the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the principal Act, as amended by this Act, the Ayurvedic and Unani Drugs Technical Advisory Board constituted in accordance with the provisions of the principal Act and functioning immediately before the commencement of this Act shall be deemed to be the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board constituted in accordance with the provisions of the principal Act as amended by this Act and shall continue to function as if this Act had not been passed.

(2) On the constitution of the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the principal Act, as amended by this Act, every person nominated as a member of the Ayurvedic and Unani Drugs Technical Advisory Board, in accordance with the provisions of the principal Act, and holding office as such member immediately before such constitution shall be deemed to have vacated his office.

THE CHIT FUNDS ACT, 1982

The following Act of Parliament received the assent of the President on the 19th Augst, 1982 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 36, dated August 20, 1982.

INDIAN PARLIAMENT ACT NO. 40 OF 1982

An Act to provide for the regulation of chit funds and for matters connected therewith.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title extent and commencement*—(1) This Act may be called the Chit Funds Act, 1982.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. and different dates may be appointed for different States.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "approved bank" means the State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955), or a subsidiary bank constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959 (98 of 1959), or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), or a banking company as defined under clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of

1949) or a banking institution notified by the Central Government under section 51 of that Act or such other banking institution as the State Government may, in consultation with the Reserve Bank, approve for the purposes of this Act ;

(b) "chit" means a transaction whether called chit, chit fund, chitty, kuri or by any other name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical instalments over a definite period and that each such subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to the prize amount.

Explanation.—A transaction is not a chit within the meaning of this clause, if in such transaction,—

(i) some alone, but not all, of the subscribers get the prize amount without any liability to pay future subscriptions ; or

(ii) all the subscribers get the chit amount by turns with a liability to pay future subscriptions ;

(c) "chit agreement" means the document containing the articles of agreement between the foreman and the subscribers relating to the chit ;

(d) "chit amount" means the sum-total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction of discount or otherwise ;

(e) "chit business" means the business of conducting a chit :

(f) "defaulting subscriber" means a subscriber who has defaulted in the payment of subscriptions due in accordance with the terms of the chit agreement ;

(g) "discount" means the sum of money or the quantity of grain which a prized subscriber is, under the terms of the chit agreement, required to forego and which is set apart under the said agreement to meet the expenses of running the chit or for distribution among the subscribers or for both ;

(h) "dividend" means the share of the subscriber in the amount of discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit ;

(i) "draw" means the manner specified in the chit agreement for the purpose of ascertaining the prized subscriber at any instalment of the chit ;

(j) "foreman" means the person who under the chit agreement is responsible for the conduct of the chit and includes any person discharging the functions of the foreman under section 39 ;

(k) "non-prized subscriber" does not include a defaulting subscriber ;

(l) "prescribed" means prescribed by rules made under this Act ;

(m) "prize amount" means the difference between the chit amount and the discount, and in the case of a fraction of a ticket means the difference between the chit amount and the discount proportionate to the fraction of the ticket, and when the prize amount is payable otherwise than in cash, the value of the prize amount shall be the value at the time when it becomes payable ;

(n) "prized subscriber" means a subscriber who has either received or is entitled to receive the prize amount;

(o) "Registrar" means the Registrar of Chits appointed under section 61, and includes an Additional, a Joint, Deputy or an Assistant Registrar appointed under that section;

(p) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934);

(q) "State Government", in relation to a Union territory, means the administrator of that Union territory appointed by the President under article 239 of the Constitution;

(r) "subscriber" includes a person who holds a fraction of a ticket and also a transferee of a ticket or fraction thereof by assignment in writing or by operation of law;

(s) "ticket" means the share of a subscriber in a chit.

3. *Act to override other laws, memorandum, articles, etc.*—Save as otherwise expressly provided in this Act,—

(a) the provisions of this Act shall have effect notwithstanding any thing to the contrary contained in any other law for the time being in force or in the memorandum or articles of association or bye-laws or in any agreement or resolution whether the same be registered, executed or passed, as the case may be, before or after the commencement of this Act; and

(b) any provision contained in the memorandum, articles, bye-laws, agreement or resolution aforesaid, shall, to the extent to which it is repugnant to the provisions of this Act, become null or be void, as the case may be.

CHAPTER II

REGISTRATION OF CHITS, COMMENCEMENT AND CONDUCT OF CHIT BUSINESS

4 *Prohibition of chits not sanctioned or registered under the Act.*—

(1) No chit shall be commenced or conducted without obtaining the previous sanction of the State Government within whose jurisdiction the chit is to be commenced or conducted or of such officer as may be empowered by that Government in this behalf, and unless the chit is registered in that State in accordance with the provisions of this Act:

Provided that a sanction obtained under this sub-section shall lapse if the chit is not registered within twelve months from the date of such sanction or within such further period or periods not exceeding six months in the aggregate as the State Government may, on application made to it in this behalf, allow.

(2) An application for the purpose of obtaining a sanction under sub-section (1) shall be made by the foreman in such form and in such manner as may be prescribed.

(3) The previous sanction referred to in sub-section (1) may be refused, if the foreman,—

(a) had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence; or

(b) had defaulted in the payment of fees or the filing of any statement or record required to be paid or filed under this Act or had violated any of the provisions of this Act or the rules made thereunder; or

(c) had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release;

Provided that before refusing any such sanction, the foreman shall be given a reasonable opportunity of being heard.

(4) The order of the State Government, and, subject to the provisions of sub-section (5), the order of the officer empowered under sub-section (1), issuing or refusing previous sanction under this section shall be final.

(5) Any person aggrieved by the refusal to issue previous sanction by an officer empowered under sub-section (1) may appeal to the State Government within thirty days of the date of communication to him of such refusal and the decision of that Government on such appeal shall be final.

5. *Prohibition of invitation for subscriptions except under certain conditions*—No person shall issue or cause to be issued any notice, circular, prospectus, proposal or other document inviting the public to subscribe for tickets in any chit unless such notice, circular, prospectus, proposal or document contains a statement that the previous sanction required under section 4 has been obtained and the particulars of such sanction.

6. *Form of chit agreement*.—(1) Every chit agreement shall be in duplicate and shall be signed by each of the subscribers or by any person authorised by him in writing and the foreman and attested by at least two witnesses and it shall contain the following particulars, namely:—

- (a) full name and residential address of every subscriber ;
- (b) the number of tickets including the fraction of a ticket held by each subscriber ;
- (c) the number of instalments, the amount payable for each ticket at every instalment and the interest or penalty, if any payable on any default in the payment of such instalments ;
- (d) the probable date of commencement and the duration of the chit ;
- (e) the manner of ascertaining the prized subscriber at each instalment ;
- (f) the maximum amount of discount which the prized subscriber has to forego at any instalment ;
- (g) the mode and proportion in which the discount is distributable by way of divided, foreman's commission or remuneration or expenses for running the chit, as the case may be ;
- (h) the date, time and place at which the chit is to be drawn ;
- (i) the instalment at which the foreman is to get the chit amount ;
- (j) the name of the approved bank in which chit moneys shall be deposited by the foreman under the provisions of this Act ;
- (k) where the foreman is an individual, the manner in which a chit shall be continued when such individual dies or becomes of unsound mind or is otherwise incapacitated ;

(l) the consequence to which a non-prized or prized subscriber or the foreman shall be liable in case of violation of any of the provisions of the chit agreement;

(m) the conditions under which a subscriber shall be treated as a defaulting subscriber;

(n) the nature and particulars of the security to be offered by the foreman;

(o) the dates on which and time during which the foreman shall, subject to the provisions contained in section 44, allow inspection of chit records to non-prized and unpaid prized subscribers;

(p) the names of the nominees of each subscriber, that is to say, the names of the persons to whom the benefits accruing to the subscriber under the chit may be paid in the case of the death of the subscriber or when he is otherwise incapable of making an agreement.

(q) any other particulars that may, from time to time, be prescribed.

Explanation.—For the purpose of this sub-section, it shall be sufficient if the signature of each subscriber is obtained in separate copies of the agreement.

(2) The duration of a chit shall not extend beyond a period of five years from the date of its commencement :

Provided that the State Government may permit the duration of a chit up to a period of ten years if it is satisfied that it is necessary so to do, having regard to,—

(a) the financial condition of the foreman;

(b) his methods of operation;

(c) the interests of prospective subscribers;

(d) the requirements as to security; and

(e) such other factors as the circumstances of the case may require.

(3) The amount of discount referred to in clause (f) of sub-section (1) shall not exceed thirty per cent. of the chit amount.

(4) Where the prized subscriber at any instalment of the chit is required to be determined by auction and more than one person offer the maximum discount, the prized subscriber shall be determined by lot.

7. *Filing of chit agreement.*—(1) Every chit agreement shall be filed in duplicate by the foreman with the Registrar.

(2) The Registrar shall retain one copy of the chit agreement and return the duplicate to the foreman with an endorsement that the chit agreement has been registered :

Provided that the Registrar may refuse to register the chit agreement on any one or more of the following grounds, namely :—

(a) that the security offered by the foreman under section 20 is insufficient;

(b) that the foreman had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence;

(c) that the foreman had defaulted in the payment of fees or the filing of any statement or record required to be paid or filled under

this Act or had violated any of the provisions of this Act or the rules made thereunder;

(d) that the foreman had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release :

Provided further that before refusing to register a chit under the first proviso, the foreman shall be given a reasonable opportunity of being heard.

(3) Every endorsement made under sub-section (2) shall be conclusive evidence that the chit is duly registered under this Act and the registration of a chit shall lapse if the declaration by the foreman under sub-section (1) of section 9 is not filed within three months from the date of such endorsement or within such further period or periods not exceeding three months in the aggregate as the Registrar may, on application made to him in this behalf, allow.

8. *Minimum Capital requirements for the Commencement, etc. of a chit, and creation of a reserve fund, by a Company.*—(1) Notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), but subject to the provisions of this Act, a company shall not commence or carry on chit business unless it has a paid-up capital of not less than rupee one lakh.

(2) Every company having a paid-up capital of less than rupees one lakh and carrying on chit business on the commencement of this Act, shall, before the expiry of a period of three years from such commencement, increase its paid-up capital to not less than rupees one lakh :

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years in respect of any company by such further period or periods not exceeding two years in the aggregate :

Provided further that no such company shall commence any new chit the duration of which would extend beyond the said period of three years or such extended period or periods under the first proviso unless it increases its paid-up capital to not less than rupees one lakh.

(3) Every company carrying on chit business shall create and maintain a reserve fund and shall, out of the balance of profit of each year as disclosed in its profit and loss account and before any dividend on its shares is declared, transfer to such reserve fund, a sum equal to not less than ten per cent. of such profit.

(4) No company shall appropriate any sum or sums from the reserve fund except with the prior approval of the Registrar and, for the purpose of obtaining such approval, it shall make an application in the prescribed form to the Registrar explaining the circumstances relating to such appropriation.

9. *Commencement of chit.*—(1) Every foreman shall, after all the tickets specified in the chit-agreement are fully subscribed, file a declaration to that effect with the Registrar

(2) As soon as may be after a declaration is filed under sub-section (1), the Registrar shall, after satisfying himself that all the requirements relating to sanction, registration of chit and other matters have been duly complied with, grant a certificate of commencement to the foreman.

(3) No foreman shall commence any auction or the draw of any chit or appropriate any chit amount unless a certificate of commencement referred to in sub-section (2) is obtained by him.

10. *Copies of chit agreement to be given to subscribers.*—(1) A foreman shall, as soon as may be after he has obtained the certificate of commencement under sub-section (2) of section 9, but not later than the date of the first draw of the chit, furnish to every subscriber, a copy of the chit agreement certified to be a true copy.

(2) A foreman shall, within fifteen days after the close of the month in which the draw for the first instalment of the chit is held, file with the Registrar, a certificate to the effect that the provisions of sub-section (1) have been complied with.

11. *Use of the words "chit fund", "chitty" or "ku-i".*—(1) No person shall carry on chit business unless he uses as part of his name any of the words "chit", "chit. fund", "chitty" or "kuri" and no person other than a person carrying on chit business shall use as part of his name any such word.

(2) Where at the commencement of this Act—

(a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or

(b) any person not carrying on chit business is using any such word as part of his name.

he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name :

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate.

12. *Prohibition of transacting business other than chit business by a company.*—(1) Except with the general or special permission of the State Government, no company carrying on chit business shall conduct any other business

(2) Where at the commencement of this Act, any company is carrying on any business in addition to chit business, it shall wind up such other business before the expiry of a period of three years from such commencement:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years by such further period or periods not exceeding two years in the aggregate.

13. *Aggregate amount of chits.*—(1) No foreman, other than a firm or other association of individuals or a company or co-operative society, shall commence or conduct chits, the aggregate chit amount of which at any time exceeds twenty-five thousand rupees.

(2) Where the foreman is a firm or other association of individuals, the aggregate chit amount of the chits conducted by the firm or other association shall not at any time exceed,—

(a) where the number of partners of the firm or the individuals

constituting the association is not less than four, a sum of rupees one lakh ;

(b) in any other case, a sum calculated on the basis of twenty-five thousand rupees with respect to each such partner or individual.

(3) Where the foreman is a company or co-operative society, the aggregate chit amount of the chits conducted by it shall not at any time exceed ten times the net owned funds of the company or the co-operative society, as the case may be.

Explanation—For the purposes of this sub-section, “net owned funds” shall mean the aggregate of the paid-up capital and free reserves as disclosed in the last audited balance sheet of the company or co-operative society, as reduced by the amount of accumulated balance of loss deferred revenue, expenditure and other intangible assets, if any, as disclosed in the said balance sheet

14. *Utilisation of funds.*—(1) No person carrying on chit business shall utilise the moneys collected in respect of such business (other than commission or remuneration payable to such person or interest or penalty, if any, received from a defaulting sub-scriber), except for—

(a) carrying on chit business ; or

(b) giving loans and advances to non-prized subscribers on the security of subscriptions paid by them ; or

(c) investing in trustee securities within the meaning of section 20 of the Indian Trusts Act, 1882 (2 of 1882) ; or

(d) making deposits with approved banks mentioned in the chit agreement.

(2) Where any person carrying on chit business has utilised the moneys collected in respect of such business before the commencement of this Act, otherwise than for the purposes specified in sub-section (1), he shall secure that so much of such moneys as have not been realised before such commencement are realised before the expiry of a period of three years from such commencement :

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years by such further period or periods not exceeding one year in the aggregate.

15. *Alteration of chit agreement*—A chit agreement shall not be altered, added to or cancelled except with the consent in writing of the foreman and all the subscribers to the chit.

16. *Date, time and place of conducting chits.*—(1) Every draw in a chit shall be held on the date, at the time and place mentioned in the chit agreement and a notice therefor in such form and in such manner as may be prescribed shall be issued by the foreman to all the subscribers

(2) Every such draw shall be conducted in accordance with the provisions of the chit agreement and in the presence of not less than two subscribers.

(3) Where any draw was not conducted on the ground that two subscribers required to be present at a draw under sub-section (2) were not present or on any other ground, the Registrar may, on his own motion or on an application made by the foreman or any of the subscribers, direct that the draw shall be conducted in his presence or in the presence of any person deputed by him.

17. *Minutes of proceedings.*—(1) The minutes of the proceedings of every draw shall be prepared and entered in a book to be kept for that purpose immediately after the closure of the draw and shall be signed by the foreman, the prized subscribers, if present, or their authorised agents, and at least two other subscribers who are present, and where a direction has been made under sub-section (3) of section 16, also by the Registrar or the person deputed by him under that sub-section.

(2) The minutes referred to in sub-section (1) shall state clearly—

(a) the date and hour when proceedings began and ended and the place where the draw was held;

(b) the number of the instalment of the chit to which the proceedings relate;

(c) the names of the subscribers present;

(d) the person or persons who become entitled to the prize amount in the instalment;

(e) the amount of discount;

(f) full particulars regarding the disposal of the unpaid prize amount, if any, in respect of any previous instalment : and

(g) any other particulars that may be prescribed

18. *Copies of minutes to be filed with Registrar*—A true copy of the minutes of the proceedings of every draw certified as such by the foreman shall be filed by the foreman with the Registrar within twenty-one days from the date of the draw to which it relates.

19. *Restriction on opening of new place of business.*—(1) No person carrying on chit business shall open a new place of business without obtaining the prior approval of the Registrar within whose territorial jurisdiction his registered office or, as the case may be, the place or the principal place of business is situated.

(2) Before granting approval under sub-section (1), the Registrar shall consult the Registrar of the State within whose territorial jurisdiction the new place of business is proposed to be opened and shall also keep in view the financial condition and methods of operation of the foreman, the extent to which public interest will be served by the opening of the new place of business and such other matters as may be prescribed

(3) Where a person carrying on chit business opens a new place of business in a State other than the State (hereinafter referred to as the State of origin) in which his registered office or the place or the principal place of his business is situated, the Registrar of the State in which such new place of business is opened may also exercise and perform any of the powers and functions which the Registrar of the State of origin may exercise and perform in respect of the chit business carried on at such new place of business.

(4) For the purposes of this section, "place of business" shall include any branch office, sub-office, or any place of business where the chit business may be conducted by such person

CHAPTER III

RIGHTS AND DUTIES OF FOREMAN

20. *Security to be given by foreman*—(1) For the proper conduct of the chit, every foreman shall, before applying for a previous sanction

under section 4,—

(a) deposit in an approved bank an amount equal to the chit amount in the name of the Registrar ; or

(b) transfer Government securities of the face value or market value (whichever is less) of not less than one and a half times the chit amount in favour of the Registrar; or

(c) transfer in favour of the Registrar such other securities, being securities in which a trustee may invest money under section 20 of the Indian Trusts Act, 1882, (2 of 1882) of such value, as may be prescribed by the State Government from time to time:

Provided that the value of the securities referred to in clause (c) shall not, in any case, be less than one and a half times the value of the chit amount.

(2) Where a foreman conducts more than one chit, he shall furnish security in accordance with the provisions of sub-section (1) in respect of each chit.

(3) The Registrar may, at any time during the currency of the chit, permit the substitution of the security:

Provided that the face value or market value (whichever is less) of the substituted security shall not be less than the value of the security given by the foreman under sub-section (1).

(4) The security given by the foreman under sub-section (1), or any security substituted under sub-section (3), shall not be liable to be attached in execution of a decree or otherwise until the chit is terminated and the claims of all the subscribers are fully satisfied:

(5) Where the chit is terminated and the Registrar has satisfied himself that the claims of all the subscribers have been fully satisfied, he shall order the release of the security furnished by the foreman under sub-section (1), or the security substituted under sub-section (3), as the case may be, and in doing so, he shall follow such procedure as may be prescribed.

(6) Notwithstanding anything to the contrary contained in any other law for the time being in force, the security furnished under this section shall not be dealt with by the foreman during the currency of the chit to which it relates and any dealing by the foreman with respect thereto by way of transfer or other encumbrances shall be null and void.

21. *Rights of foreman.*—(1) The foreman shall be entitled;—

(a) in the absence of any provision in the chit agreement to the contrary, to obtain the chit amount at the first instalment without deduction of the discount specified in the chit agreement, subject to the condition that he shall subscribe to a ticket in the chit:

Provided that in a case where the foreman has subscribed to more than one ticket, he shall not be eligible to obtain more than one chit amount in a chit without discount;

(b) to such amount not exceeding five per cent. of the chit amount as may be fixed in the chit agreement, by way of commission, remuneration or for meeting the expenses of running the chit;

(c) to interest and penalty, if any, payable on any default in

the payment of instalments and to such other amounts as may be payable to him under the provisions of the chit agreement;

(d) to receive and realise all subscriptions from the subscribers and to distribute the prize amounts to the prized subscribers;

(e) to demand sufficient security from any prized subscriber for the due payment of future subscriptions payable by him.

Explanation.—A security shall be deemed to be sufficient for the purposes of this clause if its value exceeds by one-third, or if it consists of immovable properties, the value of which exceeds by one-half, of the amount due from the prized subscriber;

(f) to substitute subscribers in place of defaulting subscribers ; and

(g) to do all other acts that may be necessary for the due and proper conduct of the chit.

(2) Where any dispute arises with regard to the value of the property offered as security under clause (e) of sub-section (1), it shall be referred to the Registrar for arbitration under section 64.

22. *Duties of foreman.*—(1) The foreman shall, on the prized subscriber furnishing sufficient security for the due payment of future subscriptions, be bound to pay him the prize amount:

Provided that the prized subscriber shall be entitled to the payment of the prize amount without any security whatsoever if he agrees to the deduction therefrom of the amount of all future subscriptions and in such a case, the foreman shall pay the prize amount to the prized subscriber within seven days after the date of the draw before the date of the next succeeding instalment, whichever is earlier:

Provided further that where the prize amount has been paid to the prized subscriber under the first proviso, the amount deducted shall be deposited by the foreman in an approved bank mentioned in the chit agreement and he shall not withdraw the amount so deposited except for the payment of future subscriptions.

(2) If, owing to the default of the prized subscriber, the prize amount due in respect of any draw remains unpaid until the date of the next succeeding instalment, the foreman shall deposit the prize amount forthwith in a separate account in an approved bank mentioned in the chit agreement and intimate in writing the fact of such deposit and the reasons therefor to the prized subscriber and the Registrar:

Provided that where any prized subscriber does not collect the prize amount in respect of any instalment of a chit within a period of two months from the date of the draw, it shall be open to the foreman to hold another draw in respect of such instalment.

(3) Every payment of the prize amount or the amount of future subscriptions under sub-section (1), and the deposit of the prize amount under sub-section (3), shall be intimated to the subscribers at the next succeeding draw and the particulars of such payment or deposit shall be entered in the minutes of the proceedings of that draw.

(4) The foreman shall not appropriate to himself any amount in excess of what he is entitled to under clause (b) or clause (c) of sub-section (1) of section 21:

Provided that where the foreman is himself a prized subscriber, he shall be entitled to appropriate to himself the prize amount subject to his complying with the provisions of section 31 ;

Provided further that the foreman may appropriate to himself the interest accruing on the amount deposited under the second proviso to sub-section (1).

(5) The foreman shall not admit any person as a subscriber to a chit, if, by such admission, the total number of tickets mentioned in the chit agreement is increased.

(6) The foreman shall distribute among the subscribers in accordance with the chit agreement, the dividend either in cash, grain or by way of adjustment towards the subscriptions payable for the next instalment, if any.

23. Books, records, etc., to be kept by foreman.—The foreman shall maintain in his registered office, or, as the case may be, in the place or the principal place of his business, or, where the foreman has any branch office, sub-office or any place of business for the conduct of chit business in a State other than the State in which his registered office or the principal place of his business is situated, in such branch office, sub-office or place of business in respect of the business conducted in that State—

(a) a register containing—

(i) the names and full particulars of the subscribers in each chit together with the number of tickets held by each subscriber;

(ii) the dates on which the subscribers signed the chit agreement and

(iii) in the case of an assignment of a ticket by a subscriber, the name and full address of the assignee with the date of assignment and the date on which the assignment had been recognised by the foreman;

(b) a book containing the minutes of the proceedings of each draw;

(c) a ledger containing—

(i) the amounts paid by the subscribers in each chit and the dates of such payments;

(ii) the amounts paid to the prized subscribers and the dates of such payments; and

(iii) in the case of any deposit in an approved bank mentioned in the chit agreement, the date and the amount of such deposit;

(d) a register in the prescribed form showing the amounts deposited in approved banks as required under the provisions of this Act in respect of all chits conducted by the foreman at his office; and

(e) such other registers and books in such form as may be prescribed by the State Government within whose jurisdiction the chit is conducted.

24. Balance sheet.—Without prejudice to the provisions of the Companies Act, 1956 (1 of 1956), every foreman shall prepare and file with the Registrar within such time as may be prescribed, a balance sheet as on the last date of each calendar year, or, as the case may be, the financial year of the foreman and a profit and loss account relating to the year of account, in the forms set out in Parts I and II of th

Schedule, or as near thereto as circumstances admit, in respect of the chit business and audited by auditors qualified to act as auditors under the Companies Act, 1956, or by a chit auditor appointed under section 61 :

Provided that where a balance sheet is audited by an auditor qualified to act as auditor under the Companies Act, 1956 (1 of 1956), a chit auditor appointed under section 61 shall have the right to audit the balance sheet at any time if so authorised by the Registrar in this behalf.

25. *Liability of foreman to subscribers.*—(1) Every foreman shall be liable to account to the subscribers for the amounts due to them.

(2) Where there are more than one foreman in a chit, each one of them jointly and severally and, if the foreman is a firm or other association of individuals, each one of the partners or individuals thereof jointly and severally and, if the foreman is a company, the company as such, shall be liable to the subscribers in respect of the obligations arising out of the chit.

26. *Withdrawal of foreman.*—(1) No foreman, or where there are more than one foreman in a chit, none of them shall withdraw from the chit until its termination unless such withdrawal is assented to in writing by all the non-prized and unpaid prized subscribers and a copy of such assent has been filed with the Registrar under section 41.

(2) The withdrawal from a chit of any one of the foreman shall not affect the security given by him under section 20 or section 31.

CHAPTER IV

RIGHTS AND DUTIES OF NON-PRIZED SUBSCRIBERS

27. *Non-prized subscribers to pay subscriptions and obtain receipts.* Every non-prized subscriber shall pay his subscription due in respect of every instalment on the dates and times and at the places mentioned in the chit agreement and shall, on such payment, be entitled to obtain a receipt from the foreman.

28. *Removal of defaulting subscribers.*—(1) A non-prized subscribers who defaults in paying his subscription in accordance with the terms of the chit agreement shall be liable to have his name removed from the list of subscribers and a written notice of such removal shall be given by the foreman to the defaulting subscriber within fourteen days of the date of such removal:

Provided that if the defaulter pays the defaulted instalment with interest at such rate as may be prescribed within seven days of the date of receipt of such notice, his name shall be re-entered in the list of such subscribers.

(2) Every such removal under sub-section (1) shall with the date thereof be entered in the relevant book maintained by the foreman.

(3) A true copy of the entry referred to in sub-section (2) shall be filed by the foreman with the Registrar within fourteen days from the date of removal.

(4) Any defaulting subscribers aggrieved by the removal of his name from the list of subscribers may, within seven days of the date of receipt of the notice of removal refer the matter to the Registrar for arbitration under section 64.

29. *Substitution of subscribers.*—(1) A foreman may substitute in the list of subscribers any person (hereafter in this Chapter referred to as the substitution subscriber) in place of the defaulting subscriber whose name has been removed under sub-section (1) of section 28.

(2) Every substitution referred to in sub-section (1) shall, with the date thereof, be entered in the relevant book maintained by the foreman and a true copy of every such entry shall be filed by the foreman with the Registrar within fourteen days from the date of substitution.

30. *Amounts due to defaulting subscribers.*—(1) A foreman shall, out of the amounts payable by and realized from the substituted subscriber towards the instalment relating to the period before the date of the substitution (including the arrears due from the defaulting subscriber), deposited, before the date of the next succeeding instalment, in a separate identifiable account in an approved bank mentioned in the chit agreement, an amount equal to the contributions made by the defaulting subscriber less such deductions as may be provided for in the chit agreement, and shall inform the defaulting subscriber as well as the Registrar of the fact of such deposit and shall not withdraw the amount so deposited except for payment to the defaulting subscriber.

(2) The amount so deposited under sub-section (1) shall be paid to the defaulting subscriber as and when he claims the amount and the amount so deposited shall not be withdrawn by the foreman for any purpose other than for such payment.

(3) The contributions of any defaulting subscriber who has not been substituted till the termination of the chit shall be paid to him within fifteen days from the date of termination of the chit subject to such deductions as may be provided for in the chit agreement.

CHAPTER V

RIGHTS AND DUTIES OF PRIZED SUBSCRIBERS

31. *Prized subscriber to furnish security.*—Every prized subscriber shall, if he has not offered to deduct the amount of all future subscriptions from the prize amount due to him, furnish, and a foreman shall take, sufficient security for the due payment of all future subscriptions and, if the foreman is a prized subscriber, he shall give security for the due payment of all the future subscriptions to the satisfaction of the Registrar.

32. *Prized subscriber to pay subscriptions regularly.*—Every prized subscriber shall pay his subscriptions regularly on the dates and times and at the place mentioned in the chit agreement and, on his failure to do so, he shall be liable to make a consolidated payment of all the future subscriptions forthwith.

33. *Foreman to demand future subscriptions by written notice.*—(1) A foreman shall not be entitled to claim a consolidated payment from a defaulting prized subscriber under section 32 unless he makes a demand to that effect in writing.

(2) Where a dispute is raised under this Act by a foreman for a consolidated payment of future subscriptions from a defaulting prized subscriber and if the subscriber pays to the foreman on or before the date to which the dispute is posted for hearing the arrears of subscriptions till that date together with the interest thereon at the rate pro-

vided for in the chit agreement and the cost of adjudication of the dispute, the Registrar or his nominee hearing the dispute shall, notwithstanding any contract to the contrary, make an order directing the subscriber to pay to the foreman the future subscriptions on or before the dates on which they fall due, and that, in case of any default of such payments by the subscriber, the foreman shall be at liberty to realise, in execution of that order, all future subscriptions and interest together with the costs, if any, less the amount, if any, already paid by the subscriber in respect thereof :

Provided that if any such dispute is on a promissory note, no order shall be passed under this sub-section unless such promissory note expressly states that the amount due under the promissory note is towards the payment of subscriptions to the chit.

(3) Any person who holds any interest in the property furnished as security or part thereof, shall be entitled to make the payment under sub-section (2).

(4) All consolidated payment of future subscriptions realised by a foreman shall be deposited by him in an approved bank mentioned in the chit agreement before the date of the succeeding instalment and the amount so deposited shall not be withdrawn except for payment of future subscriptions.

(5) Where any property is obtained as security in lieu of the consolidated payment of future subscriptions, it shall remain as security for the due payment of future subscriptions.

CHAPTER VI

TRANSFERS

34. *Restrictions on transfer of rights of foreman.*—(1) No transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall be made without the previous sanction in writing of Registrar.

(2) Any transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall, if it is likely to defeat or delay the interests of a non-prized or unpaid prized subscriber, be voidable at the instance of such subscriber.

(3) When under sub-section (2), a transfer is disputed by a subscriber, the burden of proving that the foreman was in solvent circumstances at the time of the transfer and that the transfer does not defeat or delay the interests of such subscriber is on the transferee.

35. *Transfer of non-prized subscriber's rights to be in writing.*—Every transfer by a non-prized subscriber of his rights in the chit shall be in writing duly attested by at least two witnesses and shall be filed with the foreman.

36. *Recognition of transfer by foreman.*—Every transfer under section 35 shall, within a period of fourteen days from the date of receipt of the proposal for transfer by the foreman, be recognised by him unless the transferee is not solvent or the transfer was effected with a view to defeating the provisions of any law including this Act and the decision of the foreman to recognise the transfer or not shall forthwith be communicated to the parties concerned.

37. *Entry of Transfer.*—Every transfer under section 34 or section 35 shall be entered by the foreman in the books of the chit forthwith and a true copy of such entry shall be filed by the foreman with the Registrar within fourteen days from the date of making such entry.

CHAPTER VII

MEETINGS OF GENERAL BODY OF SUBSCRIBERS

38. *Meetings of general body of subscribers.*—(1) The foreman may, on his own motion, convene a special meeting of the general body of subscribers for considering any proposal to pass a special resolution.

(2) The foreman shall convene such a meeting on the requisition in writing of not less than twenty-five per cent. of the number of non-prized and unpaid prized subscribers, and the meeting so convened shall be held within thirty days of the date of receipt of the requisition and if the foreman refuses or fails to call such a meeting within fourteen days of the date of receipt of such requisition, not less than twenty-five per cent. of the number of non-prized and unpaid prized subscribers may give notice of the fact to the Registrar.

(3) The Registrar shall, within twenty-one days of the receipt of the notice under sub-section (2), convene or direct the convening of a special meeting of the general body of the subscribers and on receipt of such a direction, it shall be the duty of the foreman to comply with such direction.

(4) Notice of not less than fourteen days shall be given to all the subscribers of a meeting under this section specifying the object, date, hour and place of meeting and a copy of the special resolution shall also be sent along with the notice of the meeting.

Explanation—For the purposes of this section and section 39, “special resolution” means a resolution which is passed at a meeting of the general body of the subscribers specially convened for the purpose by a majority of not less than two-thirds of the subscribers to the chit present at the meeting in person or by proxy and representing not less than three-fourths of the amount or, as the case may be, the value of the grain, subscribed by all the non-prized and unpaid prized subscribers, if any.

CHAPTER VIII

TERMINATION OF CHITS

39. *Provision for continuation of chits in certain cases.*—(1) Where a foreman dies or becomes of unsound mind or is otherwise incapacitated, the chit may continue in accordance with the provisions of the chit agreement.

(2) Where a foreman is adjudicated an insolvent, or withdraws from the chit under section 26, or fails to conduct the chit at any instalment or on any other date before the next succeeding instalment as may have been agreed upon by a special resolution, any one or more of such subscribers authorised by such resolution may, in the absence of any provision in the chit agreement for the future conduct of the chit, take the place of the foreman and continue the chit or make other arrangements for the further conduct of the chit.

40. *Termination of chits.*—A chit shall be deemed to have terminated,—

(a) when the period specified therefor in the chit agreement has expired provided the payment of dues to all the subscribers has been completed; or

(b) when all the non-prized and unpaid prized subscribers and the foreman consent in writing to the termination of the chit and a copy of such consent is filed with the Registrar as required under section 41, or

(c) where a foreman dies or becomes of unsound mind or is otherwise incapacitated and the chit is not continued in accordance with the provisions of the chit agreement ;

Provided that, in a case where the foreman is a firm, if a partner thereof dies or becomes of unsound mind or is otherwise incapacitated, the chit shall not be deemed to have terminated and the surviving partner or partners shall conduct the chit in the absence of any provision to the contrary in the chit agreement.

41. *Copy of assent or consent to be filed with Registrar.*—A true copy of every assent referred to in section 26 and of every consent referred to in clause (b) of section 40 with their dates shall be filed by the foreman or by the surviving partner or partners, as the case may be with the Registrar within fourteen days from the date of such assent or consent.

42. *Refund of non-prized subscribers' subscriptions.*—Except in the cases referred to in clauses (a) and (b) of section 40,—

(a) every non-prized subscriber shall, unless otherwise provided for in this Act or in the chit agreement, be entitled to get back his subscriptions at the termination of the chit without any deduction for dividend, if any, earned by him.

Provided that, any person to whom the rights of a non-prized subscriber are transferred in accordance with the provisions of section 35, shall, in addition to his own subscriptions, be entitled to get back the subscriptions paid by such non-prized subscriber, subject to the conditions specified in this section;

(b) if a chit terminates on a date earlier than the date originally fixed in the chit agreement, the non-prized subscriber's claim shall be deemed to have arisen on the date on which he has notice thereof.

43. *Subscribers' dues to be first charge on chit assets.*—Any amount due to the subscriber from a foreman in relation to the chit business shall be a first charge on the chit assets.

CHAPTER IX

INSPECTION OF DOCUMENTS

44. *Foreman to allow certain subscribers to inspect chit records.*—Every foreman shall, on payment of such fee not exceeding five rupees as may be specified in the chit agreement, allow the non-prized subscribers and unpaid prized subscribers reasonable facilities on all the dates of draw or on such other dates and within such hours as may be provided for in the chit agreement, for the inspection of security bonds and documents, receipts and other records taken from the prized subscribers or furnished by the foreman as a subscriber and all chit records, including books of accounts, pass books, balance sheet and profit and loss accounts and such other records as may show the actual financial position of the chit.

45. *Preservation of chit records by foreman.*—All the records pertaining to a chit shall be kept by the foreman for a period of eight years from the date of termination of the chit.

46. *Inspection of chit books and records by Registrar.*—(1) Without prejudice to the provisions of sections 209 and 209A of the Companies Act, 1956, (1 of 1956) the Registrar or an officer authorised by the State Government in this behalf may inspect chit books and all the records of a chit during working hours on any working day at the premises of the foreman with or without giving notice and it shall be the duty of every foreman to produce to the Registrar or the officer so authorised, all such books and records as are in his custody or power and to furnish him with any statement or information relating to the chits as he may require from the foreman within such time as he may specify.

(2) The Registrar or an officer authorised by the State Government in this behalf may, after giving seven days' notice in writing to the foreman, direct him to produce before him for inspection such chit books and records as he may require at the time and place mentioned in the notice.

(3) If on an inspection made under sub-section (1) or sub-section (2), any defects are found, the Registrar may bring such defects to the notice of the foreman and may also make an order directing the foreman to take such action as may be specified in the order to remedy the defects within the time specified therein.

(4) Every foreman shall be bound to comply with the directions contained in an order made under sub-section (3).

47. *Power of Reserve Bank to inspect chit books and records.*—(1) Nothing in section 46 shall be deemed to affect the power of the Reserve Bank to inspect the books and records of any foreman under the provisions of section 45N of the Reserve Bank of India Act, 1934 (2 of 1934).

(2) The Reserve Bank may, if it considers necessary, forward a copy of its report or of any part of its report on the inspection of the books and records of a foreman to the foreman for taking necessary action.

(3) Every foreman shall, on receipt of the report or part thereof under sub-section (2), be bound to comply with the directions, if any, given by the Reserve Bank in this behalf and shall, if so required, submit periodical reports in regard to the action taken by him.

(4) The Reserve Bank may also forward a copy of the report on the inspection of the books and records of a foreman to the State Government within whose jurisdiction the registered office of the company, if the foreman is a company, or the place or the principal place of business of the foreman in any other case, is situated for such action as may be considered necessary.

CHAPTER X

WINDING UP OF CHITS

48. *Circumstances under which chits may be wound up.*—A chit may be wound up by the Registrar within whose territorial jurisdiction

the chit has been registered, either on his own motion or on an application made by any non prized or unpaid prized subscriber,—

- (a) if the chit has terminated under clause (c) of section 40; or
- (b) if the foreman commits any such act in respect of the security specified in section 20 as is calculated to impair materially the nature of the security or the value thereof; or
- (c) if he fails to deposit any amount required to be deposited under any of the provisions of this Act; or
- (d) if it is proved to the satisfaction of the Registrar that the foreman is unable to pay the amounts due to the subscribers; or
- (e) if the execution or other process issued on an order passed by the Registrar in favour of any subscriber in respect of amounts due to him from the foreman in relation to the chit business is returned unsatisfied in whole or in part; or
- (f) if it is proved that there has been a fraud or collusion on the part of the foreman in the matter of taking securities from any prized subscriber; or
- (g) if the foreman has appropriated the prize amount in his capacity as a subscriber without furnishing sufficient security for future subscriptions; or
- (h) if the Registrar is satisfied that the affairs of the chit are being conducted in a manner prejudicial to the interests of the subscribers; or
- (i) if it is just and equitable that the chit should be wound up.

Explanation.—For the purposes of clause (d), in determining whether the foreman is unable to pay the amounts due to the subscribers, the Registrar shall take into account his contingent and future liabilities in respect of the chit.

49. *Application for winding up.*—An application for the winding up of a chit shall be made by petition presented by any non-prized or unpaid prized subscriber to the Registrar signed and verified in the manner laid down by the Code of Civil Procedure, 1908, (5 of 1908.) and shall contain such particulars as may be prescribed:

Provided that no application for the winding up of a chit under clause (d) or clause (i) of section 48 shall lie unless such application is presented,—

(a) by non-prized and unpaid prized subscribers representing not less than twenty-five per cent, of the amount or, as the case may be, the value of the grain subscribed by all the non-prized and unpaid prized subscribers, if any; or

(b) with the previous sanction of the State Government within whose jurisdiction the chit is commenced or conducted.

Explanation.—For the purposes of clause (a) of the proviso, a subscriber of a fraction of a ticket shall be deemed to be a subscriber only to the extent of such fraction.

50. *Bar to winding up proceedings.*—Notwithstanding anything contained in section 48 and 49, no petition for the winding up of a chit shall be entertained by the Registrar—

- (a) if proceedings relating to insolvency are pending against the foreman; or

(b) where the foreman is a firm, if proceedings relating to insolvency are pending against all the partners or all the partners except one thereof, or proceedings for the dissolution of the firm are pending; or

(c) where the foreman is a company or co-operative society, if proceedings for the winding up of such company or co-operative society are pending.

51. *Commencement and effect of winding up order.*—An order for the winding up of a chit shall operate in favour of all the subscribers to whom amounts are due from the foreman and it shall be deemed to have commenced from the date of the presentation of the application for the winding up.

52. *Injunction order.*—The Registrar may, on the application of the foreman or of any subscriber to whom amounts are due in respect of a chit, at any time after the presentation of the application for the winding up of the chit under this Act and before the making of an order for the appointment of an interim receiver or for the winding up of the chit, restrain any other proceedings instituted against the foreman for the realisation of amounts due from him on such terms as the Registrar thinks fit.

53. *Powers of Registrar.*—The Registrar may, after hearing an application under this Chapter, dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally or make an interim or any other order that he deems fit.

54. *Vesting of chit assets in Registrar or other person.*—On the making of an order for the winding up of a chit, all the chit assets pertaining to such chit shall vest in the Registrar or in any person appointed by him for distribution amongst the subscribers to whom amounts are due in respect of the chit.

55. *Suits, etc., to be stayed on winding up order.*—When a winding up order has been made or a receiver has been appointed, no suit or other legal proceedings shall be continued or commenced against the foreman by a subscriber for the realisation of amounts due to him in respect of the chit except with the leave of the Registrar winding up the chit and on such terms as he may impose.

56. *Notification of winding up order.*—On the making of a winding up order, the Registrar shall make an entry in his book relating to the chit and shall notify in the Official Gazette that the order has been made.

57. *Cessation of winding up proceedings on insolvency of foreman, etc., or the winding up of the company and transfer of such proceedings.* Where during the pendency of the proceedings for the winding up of a chit, the foreman is adjudicated an insolvent, or where the foreman is a firm, all the partners or all the partners except one thereof are adjudicated insolvents, or where the foreman is a company, the company has been ordered to be wound up by the Court, the winding up proceedings under this Chapter shall cease and the distribution of the chit assets shall, subject to the provisions of sections 43 and 52, be made by the insolvency court or the court winding up the company, as the case may be.

58. *Award of compensation to foreman.*—(1) Where an application for the winding up of a chit is dismissed and the Registrar is satisfied that the petition is frivolous or vexatious, he may, on the application of the foreman, award against the petitioner such amount, not exceeding one thousand rupees, as he deems reasonable as compensation to the foreman for the expenses or injury caused to him by the presentation of the application and the proceedings thereon, and such amount may be realised as if the award were a decree of a Civil Court.

(2) On the making of an award under sub-section (1), no suit for compensation in respect of an application for any winding up of the chit shall be entertained.

59. *Right to appeal.*—The foreman or any subscriber or any other person aggrieved by a decision or order of the Registrar in any proceedings for the winding up a chit may, within sixty days from the date of such decision or order, appeal to the State Government.

60. *Limitation.*—(1) Where an order refusing to wind up a chit has been made under this Act, the chit shall be deemed to have been under suspension from the date of presentation of the application to the date of such order in respect of non-prized subscribers; and, notwithstanding anything contained in the chit agreement, no non-prized subscriber who was not a defaulter on the date of the presentation of the petition for winding up, shall be deemed to be a defaulter on the date of such order.

(2) Where an order refusing to wind up a chit has been made under this Act, in computing a period of limitation prescribed for any suit or other legal proceedings (other than a suit or application in respect of which the leave of the court has been obtained) which might have been brought or instituted, but for the presentation of the application for the winding up of the chit, the period from the date of the presentation of the application to the date of the order refusing to wind up a chit shall be excluded.

(3) Nothing contained in this Chapter shall affect the rights of a subscriber to proceed against the foreman personally for the balance, if any, of the amount due to him after the declaration of the final dividend in the proceedings for the winding up the chit and in computing the period of limitation prescribed for any such proceedings, the period from the date of the presentation of the application for the winding up of the chit to the date of the declaration of the final dividend shall be excluded.

CHAPTER XI

APPOINTMENT OF OFFICERS AND LEVY OF FEES

61. *Appointment of Registrar and other officers.*—(1) The State Government may, by notification in the Official Gazette, appoint a Registrar of Chits and as many Additional, Joint, Deputy and Assistant Registrars as may be necessary for the purpose of discharging the duties imposed upon the Registrar by or under this Act.

(2) The Registrar may appoint as many inspectors of chits and chit auditors as may be necessary for the purpose of discharging the duties imposed on the inspectors of chits or chit auditors by or under this Act.

(3) All inspectors of chits and chit auditors shall discharge the duties imposed upon them by or under this Act under the general superintendence and control of the Registrar.

(4) If the Registrar is of opinion that the accounts of any chit are not properly maintained and that such accounts should be audited, it shall be lawful for him to have such accounts audited by a chit auditor.

(5) It shall be the duty of the foreman of the chit whose accounts are to be audited by a chit auditor under sub-section (4) to produce before the chit auditor, all accounts, books and other records relating to the chit, to furnish him with such information as may be required and afford him all such assistance and facilities as may be necessary and reasonable in regard to the audit of the accounts of the chit.

(6) The foreman shall pay to the chit auditor such fees as may be prescribed for the audit of accounts of the chit under sub-section (4) :

Provided that different scales of fees may be prescribed for different chits depending on the quantum of the chit amount.

62. *Inspection of documents in Registrar's office.*—The foreman of a chit or any subscriber in a chit or the heirs or legal representatives of any foreman or subscriber may, on payment of such fees as may be prescribed,—

(a) inspect the documents of the concerned chit kept by the Registrar ; or

(b) obtain a certified copy or an extract of any such document on record.

63. *Levy of fees.*—(1) There shall be paid to the Registrar such fees as the State Government may, from time to time, prescribe for,—

(a) the issue of previous sanction under section 4 ;

(b) the filing of the chit agreement with the Registrar and the registration of the chit under section 7 ;

(c) the filing of a declaration with the Registrar and the grant of a certificate of commencement under section 9 ;

(d) the filing of copies of documents under any of the provisions of this Act ;

(e) the audit of the accounts of the foreman under section 61 ;

(f) the inspection of documents under section 62 ;

(g) the obtaining of certified copies or extracts of documents and records under section 62 ; and

(h) such other matters as may appear necessary to, the State Government.

(2) A table of fees prescribed under sub-section (1) shall be exhibited on a notice board in the office of the Registrar.

CHAPTER XII

DISPUTES AND ARBITRATION

64. *Disputes relating to chit business.*—(1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the management of a chit business shall be referred by any of the parties to the dispute, to the Registrar for arbitration if each party thereto is one or the other of the following, namely :—

(a) a foreman, a prized subscriber or a non-prized subscriber, including a defaulting subscriber, past subscriber or a person claiming through a subscriber, or a deceased subscriber to a chit ;

(b) a surety of a subscriber, past subscriber, or a deceased subscriber.

Explanation.—For the purposes of this sub-section, a dispute touching the management of a chit business shall include—

(i) a claim by or against a foreman for any debt or demand due to him from a subscriber; or due from him to a subscriber, past subscriber or the nominee, heir or legal representative of a deceased subscriber whether such debt or demand is admitted or not ;

(ii) a claim by a surety for any sum or demand due to him from the principal borrower in respect of a loan by a foreman and recovered from the surety owing to the default of the principal borrower, whether such sum or demand is admitted or not; and

(iii) a refusal or failure by a subscriber, past subscriber or the nominee, heir or legal representative of a deceased subscriber to deliver possession to a foreman of land or any other asset resumed by him for breach of conditions of the assignment.

(2) Where any question arises as to whether any matter referred to for the award of the Registrar is a dispute or not for the purposes of sub-section (1), the same shall be decided by the Registrar whose decision thereon shall be final.

(3) No Civil Court shall have jurisdiction to entertain any suit or other proceedings in respect of any dispute referred to in sub-section (1).

65. Period of limitation.—(1) Notwithstanding anything contained in the Limitation Act, 1963 (36 of 1963), but subject to the specific provisions contained in this Act, the period of limitation in the case of a dispute referred to the Registrar under section 64, shall—

(a) if the dispute relates to the recovery of any sum, including interest thereon, due to a foreman from a deceased subscriber, be three years, computed from the date on which such subscriber dies or ceases to be a subscriber ; or

(b) if the dispute is between a foreman and a subscriber or a past subscriber, or the nominee, heir or legal representative of a deceased subscriber, and the dispute relates to any act or omission on the part of either party to the dispute, be three years from the date on which the act or omission with reference to which the dispute arose, took place.

(2) The period of limitation in the case of any dispute other than those referred to in sub-section (1) which are required to be referred to the Registrar under section 64 shall be regulated by the provisions of the Limitation Act, 1963 (36 of 1963), as if the dispute were a suit, and the Registrar, a Civil Court.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Registrar may admit a dispute after the expiry of the period of limitation specified therein, if the applicant satisfies the Registrar that he had sufficient cause for not referring the dispute within such period.

66. Settlement of disputes.—(1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 64, he shall, subject to such rules as may be

prescribed, settle the dispute himself, or refer it for disposal to a person appointed by him (hereafter in this Chapter referred to as the nominee).

(2) Where any dispute is referred under sub-section (1) for settlement to the nominee, the Registrar may, at any time for reasons to be recorded in writing withdraw such dispute from the nominee and may settle the dispute himself, or refer it again for settlement to any other nominee appointed by him.

67. *Procedure for settlement of disputes and powers of Registrar or nominee* —(1) The Registrar or the nominee hearing a dispute under section 66, shall, in addition to the powers conferred on him under that section, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavit;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(2) Except with the permission of the Registrar or the nominee, no party shall be represented at the hearing of a dispute by a legal practitioner.

(3) (a) If the Registrar or the nominee is satisfied that any person, whether he is a subscriber or not, has acquired any interest in the property of a person who is a party to a dispute, he may order that the person who has acquired the interest in the property may be joined as a party to the dispute, and any decision that may be given by the Registrar or the nominee on the dispute shall be binding on the party so joined, in the same manner as if he were an original party to the dispute.

(b) Where a dispute has been referred in the name of a wrong person, or where all the necessary parties have not been included, the Registrar or the nominee may, if he is satisfied that it was due to a genuine mistake, or order any other person to be substituted or added as parties to the dispute at any stage of hearing of the dispute on such terms as he thinks just.

(c) The Registrar or the nominee may, at any stage of the proceedings, either upon or without the application of either party and on such terms as may appear to the Registrar or the nominee to be just, order that the name of any party improperly joined be struck off.

(d) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any such reliefs, but if he omits to claim any such relief, he shall not be entitled to claim that relief, except with the leave of the Registrar or the nominee.

68. *Attachment before Judgment and other interlocutory orders.*—

(1) Where a dispute has been referred under section 64 and the

Registrar or the nominee hearing the dispute is satisfied on enquiry or otherwise that a party to such dispute, with intent to defeat or obstruct the execution of any award or the carrying out of any order that may be made,—

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of the property from the jurisdiction of the Registrar,

he may, unless adequate security is furnished, direct conditional attachment of the said property, and such attachment shall have the same effect as if it is made by a competent Civil Court.

(2) Where the Registrar or the nominee directs the attachment of any property under sub-section (1), he shall issue a notice calling upon the person whose property is so attached to furnish such security as he thinks adequate within a specified period, and if the person fails to provide such security, the Registrar or the nominee may confirm the order, and may, after the decision in the dispute, direct the disposal of the property so attached towards the claim, if awarded.

(3) Any attachment made under this section shall not affect the rights subsisting prior to the attachment of the property, of persons who are not parties to the dispute, or bar any person holding a decree against the person whose property is so attached from applying for the sale of the property under the attachment of such decree.

(4) The Registrar or the nominee may, in order to prevent the ends of justice being defeated, make such interlocutory order pending the award in a dispute referred to in sub-section (1) as may appear to be just and convenient.

69. Decision of Registrar or nominee.—When a dispute is referred to arbitration under this Chapter, the Registrar or the nominee, may, after giving a reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute, on the expenses incurred by the parties to the dispute in connection with the proceedings and the fees and expenses payable to the Registrar or the nominee, and such an award shall not be invalid merely on the ground that it was made after the expiry of the period, if any fixed for deciding the dispute by the Registrar, and shall, subject to appeal under section 70, be final and binding on the parties to the dispute.

70. Appeal against decision of Registrar or nominee.—Any party aggrieved by any order passed by the Registrar or the nominee or the award of the Registrar or the nominee under section 69, may, within two months from the date of the order or award, appeal to the State Government.

71. Money how recovered.—Every order passed by the Registrar or the nominee under section 68 or section 69 and every order passed by the State Government in appeal under section 70 for payment of any money shall, if not carried out,—

(a) on a certificate issued by the Registrar, be deemed to be a decree of a Civil Court, and shall be executed in the same manner as a decree of such Court, or

(b) be executed in accordance with the provisions of any law

for the time being in force for the recovery of amounts as arrears of land revenue :

Provided that no application for execution under clause (b) shall be made after the expiry of three years from the date fixed in the order, and if no such date is fixed, from the date of the order.

72. Private transfer of property made after issue of certificate void against foreman—Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate by the Registrar under section 71 shall be null and void against the foreman on whose application the said certificate was issued.

CHAPTER XIII

MISCELLANEOUS

73. Advisory rôle of Reserve Bank—The Reserve Bank may tender to any State Government such advice on questions of policy with respect to this Act as it thinks fit either on its own motion or on a request made by the State Government.

74. Appeals.—(1) Any foreman aggrieved by the decision of the Registrar,—

- (a) refusing to register the chit agreement under section 7 ;
- (b) refusing to grant a certificate of commencement under sub-section (2) of section 9 ;
- (c) refusing to accept any security under sub-section (1) of section 20 or under section 31; or
- (d) refusing to release the security charged under section 20 or section 31,

may, within thirty days of the communication to him of such decision, appeal to the State Government or to such officer or authority as may be empowered by notification in the Official Gazette by the State Government in that behalf.

(2) Any foreman or other person aggrieved by the order of the Registrar under sub-section (1) of section 34 may, within thirty days of the communication to him of such decision, appeal to the State Government or to such officer or authority as may be empowered by notification in the Official Gazette by the State Government in that behalf.

(3) The State Government or such officer or authority aforesaid may, after giving the appellant an opportunity of making his representation, pass such order on the appeal as it or he thinks fit and such order shall be final.

75. Powers of Registrar to give extension of time for filing documents.—The Registrar may, in his discretion and upon an application in writing by a foreman made within the period specified for the filing of documents, under sub-section (3) of section 28, sub-section (2) of section 29, section 37 or section 41, allow the foreman further time not exceeding fifteen days to file copies of such documents.

76. Penalties.—(1) Whoever contravenes or abets the contravention of any of the provisions of sections 4, 5, 8, 9, 11, 12, 13, 14, 19, 20, 22, 24, 30, 31, sub-section (4) of section 33, sections 46, 47 or sub-section (5) of section 61 shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Any foreman,—

(a) who fails to file any document required to be filed under this Act within the period specified therefore or within such further time as may be allowed ; or

(b) who fails to comply with the requirements of the chit agreement regarding the date, time and place at which the chit is to be drawn or who fails to comply with the requirements of any direction given under sub-section (3) of section 38 ; or

(c) who contravenes or fails to comply with any other requirement under this Act,

shall, on conviction, be punishable with fine which may extend to three thousand rupees.

(3) Whoever wilfully makes a statement in any document required to be filed under this Act which is false in any material particular shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

77. *Penalty for second and subsequent convictions.*—If any person convicted of an offence under sub-section (1) or sub-section (3) of section 76 is again convicted of an offence under any of the said sub-section he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to two years and shall also be liable to fine.

78. *Application of fine.*—A court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in, or towards payment of, the cost of the proceedings.

79. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

80. *Cognizance of offences.*—(1) All offences under section 11 shall be cognizable.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under this Act.

81. *Power to compound offences* —(1) Subject to such conditions as may be prescribed, any officer empowered by the State Government in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected to have committed an offence under this Act, by way of composition of such offence, a sum of money not exceeding such amount as may be prescribed.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

82. *Power to enter and search any place and to seize any documents.*—(1) If the Registrar or any other officer authorised by him in this behalf has reason to suspect that any person conducts, or is responsible for the conduct of, a chit in any place in contravention of the provisions of this Act, he may, for reasons to be recorded in writing and at any reasonable time, enter into and search such place, and may seize such books, registers, accounts or documents as may be necessary.

(2) The Registrar or officer authorised by him in this behalf, may apply for assistance to an officer in charge of a police station and take police officers to accompany and assist him in discharging his duties under sub-section (1).

(3) All searches under sub-section (1) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

83. *Officers to be public servants.*—The Registrar and all officers appointed by the State Government to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1880).

84. *Power to delegate.*—The State Government may, by notification in the Official Gazette, direct that any power (other than the power to hear appeals or to make rules) exercisable by it under this Act or the rules made thereunder may be exercised also by any officer of the State Government subject to such terms and conditions, if any, as may be specified therein.

85. *Act not to apply to certain chits.*—Nothing in this Act shall apply in respect of—

- (a) any chit started before the commencement of this Act; or
- (b) any chit the amount of which, or where two or more chits were started or conducted simultaneously by the same foreman, the aggregate amount of which does not exceed one hundred rupees.

86. *Banks not to conduct chit business* —(1) Notwithstanding anything contained in this Act, no bank shall commence or carry on chit business after the commencement of this Act.

(2) Where a chit had been started by any bank before such commencement, such chit may be continued after such commencement until it is completed, and the provisions of the chit agreement and such laws, if any, as were applicable to it immediately before the commencement of this Act shall apply to such chit.

Explanation.—For the purposes of this section “bank” means an approved bank or a co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934).

87. *Power to exempt.*—The State Government may, in consultation with the Reserve Bank, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt any person or class of persons or any chit or class of chits from all or any of the provisions of this Act.

88. *Protection of Action taken under the Act*—No suit, prosecution or other legal proceeding shall lie against the State Government, the Registrar or other officers of the State Government or of the Reserve Bank or any of its officers exercising any powers or discharging any functions under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

89. *Power to make rules.*—(1) The State Government may, in consultation with the Reserve Bank, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application for obtaining the previous sanction may be made under sub-section (2) of section 4;

(b) the additional particulars that a chit agreement may contain under clause (q) of sub-section (1) of section 6;

(c) the particulars that may be included in the minutes of the proceedings of a draw under section 17;

(d) the method of valuation by the Registrar in a grain chit for the purpose of furnishing security under section 20 ;

(e) the procedure that may be followed by the Registrar in releasing the security furnished by the foreman under section 20 ;

(f) the registers and books and the form in which such registers and books may be maintained by the foreman under section 23 ;

(g) the time within which the balance-sheet and the profit and loss account in respect of a chit business shall be filed under section 24 ;

(h) the rate at which interest shall be payable on the defaulted instalments by a defaulted subscriber under section 28 ;

(i) the particulars that may be included in an application for the winding up of chits under section 49 ;

(j) the procedure to be followed for the winding up of chits under Chapter X ;

(k) the fees payable under section 63 ;

(l) the auditing of balance-sheets and the profit and loss accounts of chit business and the issue of audit certificates ;

(m) the form and manner in which a dispute shall be referred to the Registrar under section 64 ;

(n) the procedure to be followed by the Registrar or his nominee for settling the disputes referred to him under section 64 ;

(o) the matters referred to in clause (f) of sub-section (1) of section 67 ;

(p) the conditions subject to which and the amount on the payment of which composition of offences may be made under section 81 ;

(q) the form and manner in which an appeal may be preferred under this Act and the fees payable for such appeal ;

(r) the issue and service of notices or other process under this Act ;

(s) the procedure for, and the manner of, receiving any sum payable under this Act ;

(t) any other matter which is required to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or, where such Legislature consists of one House, before that House.

90. *Repeal and saving* —(1) The Andhra Pradesh Chit Funds Act, 1971 (Andhra Pradesh Act 9 of 1971), the Kerala Chitties Act, 1975 (Kerala Act 23 of 1975), the Maharashtra Chit Funds Act, 1974 (Maharashtra Act LV of 1974), the Tamil Nadu Chit Funds Act, 1961 (Tamil Nadu Act 24 of 1961), as in force in the State of Tamil Nadu and in the Union territories of Chandigarh and Delhi, the Uttar Pradesh Chit Funds Act, 1975 (Uttar Pradesh Act 53 of 1975), the Goa, Daman and Diu Chit Funds Act, 1973 (Goa, Daman and Diu Act 16 of 1973), and the Pondicherry Chit Funds Act, 1966 (Pondicherry Act 18 of 1966), are hereby repealed and the provisions of section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply to such repeal as if each such Act so repealed were a Central Act.

(2) Notwithstanding such repeal, the Acts mentioned in sub-section (1) shall continue to apply to chits in operation on the commencement of this Act, in the same manner as they applied to such chits before such commencement.

THE SCHEDULE (See Section 24)

PART I—Form of Balance Sheet

PART II--Form of Profit and Loss Account

(omitted)

END

PART II-A

INDIAN PARLIAMENT ACTS, 1983

1983

THE CONSTITUTION (FORTY-SIXTH AMENDMENT) ACT, 1982

The following Act received the assent of the President on the 2nd February, 1983 ; and was published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 3rd February, 1983.

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Constitution (Forty-sixth Amendment) Act, 1982.

2. *Amendment of article 269.*—In article 269 of the Constitution,—

(a) in clause (1), after sub-clause (g), the following sub-clause shall be inserted, namely :—

“(h) taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.” ;

(b) in clause (3), for the words “sale or purchase of goods”, words “sale or purchase of, or consignment of goods” shall be substituted.

3. *Amendment of article 286.*—In article 286 of the Constitution, for clause (3), the following clause shall be substituted, namely :—

“(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of,—

(a) a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce ; or

(b) a tax on the sale or purchase of goods, being a tax of the nature referred to in sub-clause (b), sub-clause (c) or sub-clause (d) of clause (29A) of article 366 ;

be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify.”.

4. *Amendment of article 366.*—In article 366 of the Constitution, after clause (29), the following clause shall be inserted, namely :—

“(29A) “tax on the sale or purchase of goods” includes—

(a) a tax on the transfer, otherwise than in pursuance of a contract of property in any goods for cash, deferred payment or other valuable consideration ;

(b) a tax on the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract;

(c) a tax on the delivery of goods on hire-purchase or any system of payment by instalments ;

(d) a tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration ;

(e) a tax on the supply of goods by any unincorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration ;

(f) a tax on the supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), where such supply or service is for cash, deferred payment or other valuable consideration ;

and such transfer, delivery or supply of any goods shall be deemed to be a sale of those goods by the person making the transfer, delivery or supply and a purchase of those goods by the person to whom such transfer, delivery or supply is made."

5. *Amendment of Seventh Schedule.*—In the Seventh Schedule to the Constitution, in List I—Union List, after entry 92A, the following entry shall be inserted, namely :—

"92B. Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce "

6. *Validation and exemption.*—(1) For the purposes of every provision of the Constitution in which the expression "tax on the sale or purchase of goods" occurs, and for the purposes of any law passed or made, or purporting to have been passed or made, before the commencement of this Act, in pursuance of any such provision,—

(a) the said expression shall be deemed to include, and shall be deemed always to have included, a tax (hereafter in this section referred to as the aforesaid tax) on the supply, by way or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating) for cash, deferred payment or other valuable consideration: and

(b) every transaction by way of supply of the nature referred to in clause (a) made before such commencement shall be deemed to be, and shall be deemed always to have been, a transaction by way of sale, with respect to which the person making such supply is the seller and the person to whom such supply is made, is the purchaser,

and notwithstanding any judgement, decree or order of any court, tribunal or authority, no law which was passed or made before such commencement and which imposed or authorised the imposition of or purported to impose or authorise the imposition of, the aforesaid tax shall be deemed to be invalid or ever to have been invalid on the ground merely that the Legislature or other authority passing or making

such law did not have competence to pass or make such law, and accordingly :—

(i) all the aforesaid taxes levied or collected or purporting to have been levied or collected under any such law before the commencement of this Act shall be deemed always to have been validly levied or collected in accordance with law ;

(ii) no suit or other proceeding shall be maintained or continued in any court or before any tribunal or authority for the refund of, and no enforcement shall be made by any court, tribunal or authority of any decree or order directing the refund of, any such aforesaid-tax which has been collected ;

(iii) recoveries shall be made in accordance with the provisions of such law of all amounts which would have been collected thereunder as such aforesaid tax if the section had been in force at all material times.

(2) Notwithstanding anything contained in sub-section (1), any supply of the nature referred to therein shall be exempt from the aforesaid tax—

(a) where such supply has been made, by any restaurant or eating house (by whatever name called), at any time on or after the 7th day of September, 1978 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time ; or

(b) where such supply, not being any such supply by any restaurant or eating house (by whatever name called), has been made at any time on or after the 4th day of January, 1972 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time:

Provided that the burden of proving that the aforesaid tax was not collected on any supply of the nature referred to in clause (a) or, as the case may be, clause (b) shall be on the person claiming the exemption under this sub-section.

(3) For the removal of doubts it is hereby declared that—

(a) nothing in sub-section (1) shall be construed as preventing any person—

(i) from questioning in accordance with the provisions of any law referred to in that sub-section the assessment, reassessment, levy or collection of the aforesaid tax, or

(ii) from claiming refund of the aforesaid tax paid by him in excess of the amount due from him under any such law; and

(b) no act of omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

THE AIRCRAFT (AMENDMENT) ACT, 1983

The following Act of Parliament received the assent of the President on 26th March, 1983 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 6, dated March 26, 1983.

INDIAN PARLIAMENT ACT NO. 1 OF 1983

An Act further to amend the Aircraft Act, 1934.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Aircraft (Amendment) Act, 1983.

2. *Amendment of section 5*—In section 5 of the Aircraft Act, 1934 (22 of 1934), (hereinafter referred to as the principal Act), clause (ab) of sub-section (2) shall be re-lettered as clause (ac) thereof and before it, as so re-lettered, the following clause shall be inserted, namely :—

“(ab) the economic regulation of aviation and air transport services, including the approval, disapproval or revision of tariff of operators of air transport services; the officers or authorities who may exercise in this behalf; the procedure to be followed and the factors to be taken into account by such officers or authorities; appeals to the Central Government against orders of such officers or authorities and all other matters connected with such tariff.

Explanation.—For the purposes of this clause, “tariff” includes fares, rates, valuation charges and other charges for air transport of passengers or goods, the rules, regulations, practices or services affecting such fares, rates, valuation charges and other charges and the rates, terms and conditions of commission payable to passenger or cargo sales agents;”.

3. *Amendment of section 14A.*—In section 14A of the principal Act, for the words “for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

THE APPROPRIATION (RAILWAYS) ACT, 1983

The following Act of Parliament received the assent of the President on the 26th March, 1983 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 8, dated March 26, 1983.

INDIAN PARLIAMENT ACT NO. 5 OF 1983

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) Act, 1983.

(Text omitted)

THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1983

The following Act of Parliament received the assent of the President on the 26th March, 1983 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 8, dated March 26, 1982.

INDIAN PARLIAMENT ACT NO. 6 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 2 Act, 1983.

(Text Omitted)

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1983

The following Act of Parliament received the assent of the President on the 26th March, 1983 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 8, dated March 26, 1983.

INDIAN PARLIAMENT ACT NO. 7 OF 1983

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1981 in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 3 Act, 1983.

(Text Omitted.)

**THE DELHI MUNICIPAL CORPORATION (AMENDMENT)
ACT, 1983**

The following Act of Parliament received the assent of the President on the 31st March, 1983 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 10, dated March 31, 1983.

INDIAN PARLIAMENT ACT NO. 8 OF 1983

An Act further to amend the Delhi Municipal Corporation Act, 1957.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 2nd day January, 1983.

"STATEMENT OF OBJECTS AND REASONS

The Delhi Municipal Corporation Act, 1957 provides that for the purposes of election of Councillors, Delhi shall be divided into single member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout Delhi. It also provides for determination of wards and reservation of seats for the Scheduled Castes. The figures of 1981 Census being available, it is necessary to delimit the wards on the basis of 1981 Census, but the process of delimitation of the wards being time consuming and the holding of elections to the Municipal Corporation of Delhi immediately having become urgently necessary, the Delhi Municipal Corporation (Amendment) Ordinance, 1983 was promulgated to facilitate elections being held to the Municipal Corporation of Delhi on the basis of existing wards and reservation of seats for Scheduled Castes determined after 1971 Census, on the lines of similar provisions in the Constitution of India relating to elections to the Members of Parliament and the Members of the Legislative Assemblies in the States. [Vide Statement of objects and Reasons published in the Gazette of India, Extraordinary, Part II, Sec. 2, No. dated February 22, 1983.]"

2. *Insertion of new section 5A.*—In the Delhi Municipal Corporation Act, 1957 (57 of 1957), (hereinafter referred to as the principal Act), after section 5, the following section shall be inserted, namely :

"5A. *Special provision as to delimitation, etc.*—Notwithstanding anything contained in section 3 or section 5, until the relevant figures for the first census taken after the year 2000 have been published, shall not be necessary,

(a) to alter the number of councillors and the number of councillors to be reserved for the members of the Scheduled Castes as determined under section 3 on the basis of the population of Delhi ascertained at the 1971 census, or

(b) to alter the number of wards, or the extent of any ward, determined under section 5 on the basis of the population of Delhi ascertained at the 1971 census,

and for this purpose, the reference in sub-section (6) of section 3 to each census and the references to population in that sub-section as in sub-section (1) of section 5 shall be construed, respectively, as references to the 1971 census and to the population as ascertained at the 1971 census."

3. *Repeal and saving.*—(1) The Delhi Municipal Corporation (Amendment) Ordinance, 1983, (2 of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any act taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act:

THE DELHI ADMINISTRATION (AMENDMENT) ACT, 1983

The following Act of Parliament received the assent of the President on the 31st March, 1983 and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 9, dated March 31, 1983.

INDIAN PARLIAMENT ACT NO. 9 OF 1983.

An Act to amend the Delhi Administration Act, 1966.

Be it enacted by Parliament in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Delhi Administration (Amendment) Act, 1983**.

(2) It shall be deemed to have come into force on the 2nd day of January, 1983.

“STATEMENT OF OBJECTS AND REASONS

The Delhi Administration Act, 1966 requires that for the purposes of elections to the Metropolitan Council of Delhi, the Union territory of Delhi shall be divided into single-member constituencies in such manner that the population of each of the constituencies shall, as far as practicable, be the same throughout the Union Territory of Delhi. It also provides for delimitation of the constituencies and reservation of seats for the Scheduled Castes. The figures of 1981 census being available, it is necessary to delimit the constituencies on the basis of the basis of the 1981 census, but the process of delimitation of the constituencies being quite time consuming, and holding of elections to the Metropolitan Council of Delhi having become urgently necessary, the Delhi Administration (Amendment) Ordinance, 1983, was promulgated to facilitate elections being held to the Metropolitan Council of Delhi on the basis of the existing constituencies, and reservation of seats for Scheduled Castes determined after the 1971 census, on the lines of similar provisions in the Constitution of India relating to elections to the Members of Parliament and the Members of Legislative Assemblies in the States [Vide Statement of Objects and Reasons published in the Gazette of India, Extraordinary, Part II, Section 2, No. 1, dated February 22, 1983].”

2. *Amendment of section 3.*—In the Delhi Administration Act, 1966 (19 of 1966) (hereinafter referred to as the principal Act), in section 3, for sub-section (5), the following sub-section shall be substituted, namely :—

“(5) For the purposes of this section and section 4, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published :

Provided that the reference in this sub-section to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.”

3. *Amendment of section 4.*—In section 4 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) For the removal of doubts, it is hereby declared that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the division of Delhi into constituencies under this section.”.

4. *Repeal and saving.*—(1) The Delhi Administration (Amendment) Ordinance, 1983 (1 of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1983

The following Act of Parliament received the assent of the President on the 26th March, 1983, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 7, dated March 26, 1983

INDIAN PARLIAMENT ACT NO. 2 OF 1983

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1983-84.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation (Vote on Account) Act, 1983.

(Text omitted)

THE APPROPRIATION ACT, 1983

The following Act of Parliament received the assent of the President on the 26th March, 1983 and published in the Gazette of Extraordinary Part II Sec. 1, No 7, dated March 26, 1983.

INDIAN PARLIAMENT ACT NO. 3 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation Act, 1983.

(Text omitted)

THE APPROPRIATION (NO. 3) ACT, 1983

The following Act of Parliament received the assent of the President on the 6th May, 1983, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 11, dated May 9, 1983.

INDIAN PARLIAMENT ACT NO. 10 OF 1983

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short Title.*—This Act may be called the Appropriation (No. 3) Act, 1983.

(Text omitted)

THE AFRICAN DEVELOPMENT BANK ACT, 1983

The following Act of Parliament received the assent of the President on the 26th May, 1983, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No 14, dated May 28, 1983.

INDIAN PARLIAMENT ACT NO. 13 OF 1983

An Act to implement the international agreement for the establishment and operation of the African Development Bank and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title, extent and commencement*.—(1) This Act may be called the African Development Bank Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

“STATEMENT OF OBJECTS AND REASONS

India has decided to become a member of the 'African Development Bank by acceding to the Agreement establishing the African Development Bank. Chapter VII of the Articles of the Agreement provides for granting to the Bank and its officers and employees, certain status, immunities, exemptions and privileges in the territory of each member country. Article 50 of the Agreement stipulates that to enable the Bank effectively to fulfil its purpose and carry out functions entrusted to it, status, immunities, exemptions and privileges set forth in Chapter VII of the agreement shall be accorded to the Bank in the territory of each member. By this Bill, it is proposed to enact the necessary legislation to give effect to the provisions of the said Chapter VII of the Agreement. Provision has also been made in the Bill empowering the Central Government to make payments to the Bank towards subscriptions and other charges and for matters connected therewith.”

[Vide Statement of Objects and Reasons, printed in the Gazette of India, Extraordinary Part II, Section 2, No. 4, dated March 17, 1983. Editor.]

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) “Agreement” means the agreement for the establishment of the African Development Bank;

(b) “Bank” means the African Development Bank established under the Agreement.

3. *Payments to Bank*.—(1) There shall be paid out of the Consolidated Fund of India, after due appropriation made by Parliament by law in this behalf, all such sums as may, from time to time, be required for the purpose of paying,—

(a) the subscriptions payable by the Central Government to the Bank under Articles 6, 7, 10 and 21 of the Agreement;

(b) any sums payable by the Central Government to the Bank under Article 28 of the Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the Bank, in such form as it thinks fit, any non-interest bearing and non-negotiable notes or other obligations.

4. *Reserve Bank to be depository for Bank*.—The Reserve Bank of India shall be the depository of the Indian currency holdings of the Bank.

5. *Conferment of status and certain immunities, exemptions and privileges on Bank and conferment of certain immunities, exemptions and privileges on its officers and employees*.—(1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in India:

Provided that nothing in Article 57 of the Agreement shall be construed as—

(a) entitling the Bank to import into India goods free of any duty of customs without any restriction on their subsequent sale therein; or

(b) conferring on the Bank any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Bank any exemption from duties or taxes which are in fact no more than charges for services rendered.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the Agreement set out therein.

6. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

7. *Notifications issued under section 5 and rules made under section 6 to be laid before Parliament.*—Every notification issued under sub-section (2) of section 5 and every rule made under section 6 shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry, of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or, as the case may be, in the rule or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

THE SCHEDULE

(See section 5)

PROVISIONS OF THE AGREEMENT WHICH SHALL HAVE FORCE OF LAW

AGREEMENT ESTABLISHING THE AFRICAN DEVELOPMENT BANK

CHAPTER VII

STATUS, IMMUNITIES, EXEMPTIONS AND PRIVILEGES

ARTICLE 50

STATUS

To enable it to fulfil its purpose and the functions with which it is entrusted, the Bank shall possess full international personality. To those ends, it may enter into agreements with members, non-member States and other international organizations. To the same ends, the status, immunities, exemptions and privileges set forth in this Chapter shall be accorded to the Bank in the territory of each member.

ARTICLE 51

STATUS IN MEMBER COUNTRIES

In the territory of each member the Bank shall possess full juridical personality and, in particular, full capacity :

(a) to contract,

- (b) to acquire and dispose of immovable and movable property ;
and
(c) to institute legal proceedings.

ARTICLE 52

JUDICIAL PROCEEDINGS

1. The Bank shall enjoy immunity from every form of legal process except in cases arising out of the exercise of its borrowing powers when it may be sued only in a court of competent jurisdiction in the territory of a member in which the Bank has its principal office, or in the territory of a member or non-member State where it has appointed an agent for the purpose of accepting service or notice of process or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members.

2. The property and assets of the Bank shall, wherever located and by whomsoever held, be immune from all forms seizure, attachment or execution before the delivery of final judgment against the Bank.

ARTICLE 53

IMMUNITY OF ASSETS AND ARCHIVES

1. Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

2. The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable, wherever located.

ARTICLE 54

FREEDOM OF ASSETS FROM RESTRICTION

To the extent necessary to carry out the purpose and functions of the Bank and subject to the provisions of this Agreement, all property and other assets of the Bank shall be exempt from restrictions, regulations, controls and moratoria of any nature.

ARTICLE 55

PRIVILEGE FOR COMMUNICATIONS

Official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

ARTICLE 56

PERSONAL IMMUNITIES AND PRIVILEGES

1. All governors, directors, alternates, officers and employees of the Bank and experts and consultants performing missions for the Bank :

(i) shall be immune from legal process with respect to acts performed by them in their official capacity ;

(ii) where they are not local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations, and the same facilities as regards exchange regulations as are accorded by members to the representatives, officials and employees of comparable rank of other members ; and

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

2. Experts and consultants performing missions for the Bank shall be accorded such immunities and privileges as are, in the opinion of the Bank, necessary for the independent exercise of their functions during the period of their mission, including the time spent on journeys in connexion therewith.

ARTICLE 57

EXEMPTION FROM TAXATION

1. The Bank, its property, other assets, income and its operations and transactions shall be exempt from all taxation and from all customs duties. The Bank shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty.

2. No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to directors, alternates, officers and other professional staff of the Bank.

3. No tax of any kind shall be levied on any obligation or security issued by the Bank, including any dividend or interest thereon, by whomsoever held :

(i) which discriminates against such obligation or security solely because it is issued by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued made payable or paid, or the location of any office or place of business maintained by the Bank.

4. No tax of any kind shall be levied on any obligation or security guaranteed by the Bank, including any dividend or interest thereon, by whomsoever held:

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

ARTICLE 58

NOTIFICATION OF IMPLEMENTATION

Each member shall promptly inform the Bank of the specific action which it has taken to make effective in its territory the provisions of this Chapter.

ARTICLE 59

APPLICATION OF IMMUNITIES EXEMPTIONS

The immunities, exemptions and privileges provided in this Chapter are granted in the interests of the Bank. The Board of Directors may waive, to such extent and upon such conditions as it may determine, the immunities and exemptions provided in Articles 52, 54, 56 and 57 of this Agreement in cases where its action would in its opinion further the interests of the Bank. The President shall have the right and the duty to waive the immunity of any official in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Bank.

THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT) ACT, 1983

The following Act of Parliament received the assent of the President on the 26th May, 1983, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 15 dated May 28, 1983.

INDIAN PARLIAMENT ACT No. 14 OF 1983

An Act to amend the Central Security Force Act, 1968.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Central Industrial Security Force (Amendment) Act, 1983

(2) It shall come into force on such date as the Central Government, by notification in the Official Gazette, appoint.

STATEMENT OF OBJECTS AND REASONS

The Central Industrial Security Force has been constituted under the Central Industrial Security Force Act, 1968 with the object of providing for the better protection and security of industrial undertaking owned by the Central Government, as well as those in public sector. This Force has now been in existence for a period of about 13 years. During this period, the sanctioned strength of the Force has grown from about 2,000 to about 49,000 officers and men and the Force is at present deployed in 115 industrial undertakings. The responsibilities of the Force have also grown greatly in magnitude as well as complexity. The Force is today concerned inter alia with providing security to highly sensitive undertakings like the installations of Department of Space, Department of Atomic Energy, Oil Refineries, Petro-chemical Plants, Steel Plants and major ports. The security of these installations has a bearing not only on economic and industrial growth but also on the security and defence of the country. In view of these circumstances and also based on actual experience of the working of the Force, an urgent need has been felt for making the Force an armed force of the Union and for giving some additional powers for dealing with the problems of security of the industrial undertaking. It is therefore proposed to amend the Central Industrial Security Force Act to convert the Force into an armed force of the Union and to make it a more effective instrument for providing security to vital industrial undertakings.

2. The following are principal features of the Bill :—

(a) The Force will be made an armed force of the Union and consequential changes made in the rank, structure and nomenclature of the Force (Clauses 2, 3, 4, 5, 6, 7, 8, and 13 of the Bill).

(b) Power of the members of the Force to arrest without warrant is being extended so as to cover assaults, use of criminal force, wrongful restraint and voluntarily causing hurt to members of the Force. This provision broadly covers offences under section 353 IPC (assault on public servant in discharge of duties) and section 332 IPC (voluntarily causing hurt to a public servant in discharge of duties). Power to arrest without warrant is also being extended to cover offences against property which may be lying in the premises of an industrial undertaking or installation. Similarly, power to arrest without warrant has

been extended to cognizable offences involving imminent danger to the life of persons engaged in carrying on the work of the undertaking (clause 9 of the Bill).

(c) Restrictions have been proposed on the right to form association on the lines of similar restrictions in other armed forces of the Union (clause 10 of the Bill).

(d) Punishment for offences which may be committed by members of the Force, such as violation of duty, wilful breach of rules, regulations, lawful orders, cowardice, etc., has been enhanced from six months to one year. A provision has been made for investment of powers of a Magistrate on the Commandant for inquiring into or trying such offences under certain circumstances (clause 11 of the Act)."

[Vide Statement of Objects and Reasons, published in the Gazette of India, Extraordinary, Part II, Section 2, No. 10, dated April 15, 1983. Editor.]

2. *Amendment of long title* :—In the Central Industrial Security Force Act, 1968, (50 of 1968) (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely :—

"An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of industrial undertakings owned by the Central Government and certain other industrial undertakings for the matters connected therewith."

3. *Amendment of section 2*.—In section 2 of the principal Act,—

(a) in sub-section (1),

(i) for clause (a), the following clauses shall be substituted namely :—

"(a) "Director-General" means the Director-General of the Force appointed under section 4;

(aa) "enrolled member of the Force" means any subordinate officer, under officer or any other member of the Force of a rank lower than that of an under officer;

(ab) "Force" means the Central Industrial Security Force constituted under section 3;

(ac) "Force custody" means the arrest or confinement of a member of the Force in accordance with the rules made under this Act;

(ii) clause (d) shall be omitted;

(iii) in clause (f), the words "other than a supervisory officer" shall be omitted;

(iv) after clause (h), the following clause shall be inserted, namely :—

"(ha) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;

(a) after clause (i), the following clause shall be inserted, namely :—

(j) "under officer" means a person appointed to the Force as a Head Constable, Naik or Lance Naik";

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law if any, in force in that area."

4 *Amendment of section 3*—In section 3 of the principal Act,—

(a) in sub-section (1), for the words "a Force", the words "an armed force of the Union" be substituted;

(b) in sub-section (2), for the words "supervisory officers and member", the words "supervisory officers, subordinate officers, under officers and other enrolled members" shall be substituted.

5. *Amendment of section 4*.—In section 4 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspector-General, Commandants, Deputy Commandants or Assistant Commandants of the Force."

(b) in sub-section (2), for the expression "Inspector-General", the expression "Director-General" shall be substituted.

6 *Amendment of section 5*.—In section 5 of the principal Act, for the words "appointment of members of the Force shall rest with the Inspector-General", the words "appointment of the enrolled members of the Force shall rest with the Director-General" shall be substituted.

7. *Amendment of section 6*.—In section 6 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every enrolled member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Director-General or such other supervisory officer as the Director-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of an enrolled member of the Force";

(b) in sub-section (2), for the words "a member", the words "an enrolled member" shall be substituted.

8 *Amendment of section 7*.—In section 7 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder the command, supervision and administration of the Force shall vest in the Director-General.";

(b) in sub-section (2),—

(i) for the words "a Deputy Inspector-General, Chief Security Officer or Security Officer", the words "an Inspector-General or a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant" shall be substituted ;

(ii) for the words "Central Government", the words "Central Government or the Director-General", shall be substituted.

9. *Amendment of section 11* —In section 11 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted namely :—

"(1) Any member of the Force may, without any order from a Magistrate and without a warrant, arrest—

(i) any person who voluntarily causes hurt to, or attempts voluntarily to causes hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member ; or

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afforded reason to believe that his taking such precautions with a view to committing, a cognizable offence which relates to property belonging to, or in the premises of, any industrial undertaking referred to in clauses (b) and (c) of section 10, or relates to the other installations, or to property in the premises of the other installations, referred to in those clauses ;

(iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to any undertaking or installations referred to in clauses (b) and (c) of section 10 ;

(b) in sub-section (2), the words "supervisory officer or" shall be omitted.

10. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely :—

"15A *Restrictions respecting right to form association, etc.*—(1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations ; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the the Force or is not of a purely social, recreational or religious nature ; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed."

11. *Amendment of section 18.*—In section 11 of the Principal Act, for sub-section (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission or who, being absent on leave, fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, may be taken into Force custody and shall, on conviction, be punished with imprisonment for a term which may extend to one year.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974); an offence punishable under this section shall be cognizable and non-bailable.

(2A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government may invest the Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force:

Provided that—

(i) when the offender is on leave or absent from duty; or
(ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or

(iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or

(iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try any offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.”

12. *Amendment of section 22.*—In section 22 of the principal Act,—

(a) in sub-section (2),—

(i) in clauses (a), (b) and (c), the words “supervisory officers and” shall be omitted;

(ii) after clause (g), the following clauses shall be inserted, namely:—

“(gg) regulating matters with respect to Force custody under this Act including the procedure to be followed for taking persons into such custody;

(ggg) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;”;

(iii) in clause (h), the words "supervisory officers and" shall be omitted;

(iv) in clause (i), after the word "prescribed", the words "or in respect of which rules are required to be made under this Act" shall be inserted;

(b) in sub-section (3), for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following," the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid," shall be substituted.

13. *Consequential amendments.*—The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

14. *Provisions as to existing Force.*—(1) The force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall on such commencement, be deemed to be the force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

TABLE

(1)	(2)
1. Chief Security Officer	Commandant
2. Deputy Chief Security Officer	Deputy Commandant
3. Security Officer	Assistant Commandant
4. Head Security Guard	Head Constable
5. Senior Security Guard	Naik
6. Security Guard	Constable.

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may, within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General—

(a) If such member had been on deputation to the existing Force from any other service, to revert to such other service, and

(b) in any other case, to retire from service, and an option so exercised shall be final, and a member exercising such option shall be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be retire from service.

Explanation.—For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

THE SCHEDULE

(See section 13)

CONSEQUENTIAL AMENDMENTS

1. *Section 8.*—For “member”, at both the places where it occurs, substitute “enrolled member”.
2. *Section 9.*—In sub-section (1), for “member”, substitute “enrolled member”.
3. *Section 10.*—Omit “supervisory officer and”.
4. *Section 12.*—(a) In sub-section (1), omit “any supervisory officer, or” ;
(b) in sub-section (2), for “Code of Criminal Procedure, 1893” (5 of 1983) substitute “Code of Criminal Procedure, 1973 (2 of 1974)”.
5. *Section 13.*—Omit “supervisory officer or”.
6. *Section 13.*—(a) for “Inspector-General”, wherever it occurs, substitute “Director-General” ;
(b) in sub-section (1).—
(i) omit “supervisory officers and”,
(ii) omit “officers and”,
(c) in sub-section (2), omit “officers and”, wherever they occur ;
(d) in sub-section (3), omit “officer and”.
7. *Section 15.*—(a) In sub-section (1), omit “supervisory officer and” ;
(b) in sub-section (2), omit “supervisory officer or”.
8. *Section 17.*—(a) In sub-section (1), for “a member”, substitute “an enrolled member” ;
(b) in sub-section (3), for “Inspector-General”, substitute “Director-General”.
9. *Section 19.*—Omit “supervisory officers and”.
10. *Section 21.*—Omit “supervisory officer or”, wherever they occur.
11. *The Schedule.*—For “a member”, at both the places where they occur, substituted “an enrolled member”.

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1983

The following Act of Parliament received the assent of the President on the 18th May, 1983, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 13, dated May 18, 1983.

INDIAN PARLIAMENT ACT NO. 12 OF 1983

An Act further to amend the Merchant Shipping Act, 1958.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Merchant Shipping (Amendment) Act, 1983.

2. *Substitution of new section for section 2.*—For section 2 of the Merchant Shipping Act, 1958 (44 of 1958.) (hereinafter referred to as the principal Act), the following section shall be substituted, namely :—

“2. *Application of Act.*—(1) Unless otherwise expressly provided, the provisions of this Act which apply to—

(a) any vessel which is registered in India ; or
 (b) any vessel which is required by this Act to be so registered ; or
 (c) any other vessel which is owned wholly by persons to each of whom any of the descriptions specified in clause (a) or in clause (b) or in clause (c), as the case may be, of section 21 applies, shall so apply wherever the vessel may be.

(2) Unless otherwise expressly provided, the provisions of this Act which apply to vessels other than those referred to in sub-section (1) shall so apply only while any such vessel is within India, including the territorial waters thereof."

3. *Amendment of section 3.*—In section 3 of the principal Act, in clause (37), for the figures, letters and words "17th day of June, 1960", the figures, letters and words "1st day of November, 1974" shall be substituted.

4. *Amendment of section 22.*—In section 22 of the principal Act, the following Explanation shall be inserted at the end, namely :—

"*Explanation.*—For the purposes of this section, "ship" does not include a fishing vessel."

5. *Amendment of section 74.*—In section 74 of the principal Act, for clause (j) of sub-section (2), the following clause shall be substituted, namely :—

"(j) the fees that may be levied for the survey or inspection of any ship for the purposes of registration and the manner in which such fees may be collected;"

6. *Amendment of section 87.*—In section 87 of the principal Act, after clause (d), the following clause shall be inserted, namely :—

"(dd) fix the fees that may be levied for survey or inspection of a ship for ensuring compliance with the provisions of this Part and provide the manner in which such fees may be collected;"

7. *Amendment of section 175.*—In section 175 of the Principal Act, after clause (e) of sub-section (2), the following clause shall be inserted, namely :—

"(f) the fees that may be levied for the survey or inspection of crew spaces and for scrutiny of plans of crew accommodation spaces and the manner in which such fees may be collected;"

8. *Amendment of section 282.*—In section 282 of the principal Act,—

(a) in clause (w), the word "and" occurring at the end shall be omitted ;

(b) after clause (w), the following clause shall be inserted, namely :—

"(ww) the fees that may be levied for the survey or inspection of pilgrim ships with respect to sanitary conditions, provision of stores, medical facilities available on such ships and such other purposes that may be relevant for compliance with the provisions of this Part relating to relevant for compliance with the provisions of this Part relating to pilgrim ships and manner in which such fees may be collected;"

9. *Amendment of section 344.*—In section 344 of the principal Act, after clause (c) of sub-section (2), the following clause shall be inserted, namely :—

“(d) the fees to be charged for the survey or inspection of hull, machinery, boilers, electrical and other fittings and the materials used for their construction, fire appliances, life saving appliances, radio-communications equipment, radar, echo sounding device and gyro compass, or testing or testing or approval of any of the foregoing equipments or materials used for their manufacture, or examination of plans of construction of any part of ship's hull, machinery, electrical appliances and other equipment aforesaid and the manner in which such fees may be recovered.”.

10. *Insertion of new Part XB* —After Part XA of the principal act, of the following Part shall be inserted, namely :—

‘PART XB’

CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

352G. *Application*.—This Part applies to—

- (a) every Indian ship wherever it is; and
- (b) every foreign ship while it is at a port or place in India or place within the territorial waters of India or any marine areas adjacent thereto over which India has, or may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976) or any other law for the time being in force.

352H. *Definitions*.—(1) In this Part, unless the context otherwise requires, —

(a) “incident” means any occurrence, or series of occurrences having the same origin, which causes pollution damage;

(b) “oil” means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board in tanker as cargo or fuel;

(c) “owner” means—

(i) the person registered as owner of the ship and includes the operator who for the time being is in charge of the ship and the master of the ship; or

(ii) in the absence of registration, the person owning the ship; or

(iii) in the case of a tanker owned by a foreign State, the person registered in that State as operator of the ship;

(d) “pollution damage” means loss or damage caused outside the ship by contamination resulting from escape or discharge of oil from that ship, wherever such escape or discharge occurs, and includes the costs of preventive measures and further loss or damage caused by preventive measures; so, however, that the provisions of clause (a) of sub-section (1) of section 352B shall not apply to such loss or damage;

(e). “preventive measures” means any reasonable measures taken by any person after the incident to prevent or minimise pollution damage

(2) In this Part—

(a) the expression “franc” shall have the same meaning as is assigned to it in clause (b) of section 352; and

(b) the expression “tonnage” shall mean the tonnage of a ship determined in accordance with the provisions of section 352B and where

it is not so determinable, it shall mean forty per cent of the weight in tons of oil cargo the ship is capable of carrying.

352I. Liability of owner.—(1) Save as otherwise provided in sub-sections (2), (3) and (4), the owner at the time of an incident, or, where the incident consists of a series of occurrences, at the time of first of such occurrences, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

(2) No liability for pollution damage shall attach to the owner under sub-section (1) if he proves that the pollution damage—

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) was wholly caused by an act or omission done with intent to cause such damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

(3) Where, with respect to any incident, the owner proves that the pollution damage resulted, either wholly or partially, from an act or omission done, with intent to cause such damage, by the person who suffered damage, or from the negligence of that person, the owner shall be exonerated wholly or, as the case may be, partially, from liability to that person.

(4) Where in any incident, pollution damage results from escape or discharge of oil from two or more ships, the owners of all such ships shall be jointly and severally liable for all such damage which is not reasonably separable.

(5) No claim for pollution damage shall be made against any owner otherwise than in accordance with the provisions of this section.

(6) No claim for pollution damage shall be made against any servant or agent of the owner.

352J. Limitations of liability.—(1) Save as otherwise provided in sub-section (2), the owner may limit his liability under section 352I in respect of any incident to an aggregate amount of—

(a) two thousand francs for each ton of ship's tonnage; or

(b) two hundred and ten million francs,
whichever is lower.

(2) Where any incident causing pollution damage occurs as a result of the actual fault of the owner, he shall not be entitled to limit his liability under sub-section (1)

352K. Constitution of limitation fund—(1) (a) Any owner desiring to avail of the benefit of limitation of his liability under sub-section (1) of section 352J shall make an application to the High Court for constitution of a limitation fund (hereafter in this Part referred to as fund).

(b) Such fund may be constituted either by depositing the sum with the High Court or by furnishing bank guarantee or such other security as, in the opinion of the High Court, is satisfactory.

(2) (a) The insurer or any other person providing financial security to the owner may apply to the High Court for constitution of the fund under sub-section (1) and any fund so constituted shall have the same effect as if it were constituted by the owner.

(b) Such fund may be constituted even in cases where sub-section (2) of section 352J applies but in any such event constitution of the fund shall not prejudice the rights of any claimant against the owner for full compensation exceeding the amount deposited or secured in the fund.

(3) The amount in francs to be deposited or secured in the fund under sub-section (1) shall be converted in rupees on the basis of official value in rupees of the gold contents of franc on the date of constitution of the fund.

352L. Acquisition of right for compensation by subrogation.—

(1) Where the owner or any of his servants or agents or any other person providing him insurance or other financial security has, as a result of incident in question, paid any compensation to any claimant, such person shall, up to the amount so paid by him, be entitled to acquire by subrogation the rights to which the claimant so compensated would be entitled to.

(2) Where the owner or any other person providing him insurance or other financial security establishes that he may, at a later date, be compelled to pay to any person, in whole or in part, any amount by way of compensation for pollution damage caused by the incident with respect to which he would have been entitled to acquire by subrogation the right of the claimant had the compensation been paid before the fund was distributed, the High Court may order that sufficient amount from the fund may provisionally be set aside to enable the owner or such other person to enforce his claim against the fund at a later date.

352M. Consolidation of claim and distribution of fund.—(1) The High Court shall consolidate all claims against the fund including those arising under section 352L.

(2) Any claim in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimise pollution damage shall rank equally with other claims against the fund.

(3) Subject to the provisions of sub section (2) of section 352L, the High Court shall distribute the amount in the fund among all claimants in proportion to their established claims.

352N. Compulsory insurance or other financial guarantee.—(1) The owner of every Indian ship which carries 2000 tons or more oil in bulk as cargo shall, in respect of such ship, maintain an insurance or other financial security for an amount equivalent to—

- (a) two thousand francs for each ton of ship's tonnage; or
 - (b) two hundred and ten million francs,
- whichever is lower.

(2) In respect of every Indian ship which maintains insurance or other financial security under sub-section (1), there shall be issued by the Director-General a certificate in such form and giving such particulars as may be prescribed.

(3) On an application by the owner or agent of any foreign ship, the Director-General may issue a certificate under sub-section (2) in respect of such foreign ship on production of satisfactory evidence relating to maintenance of insurance or other financial security in accordance with the provisions of the International Convention on Civil Liability for Oil Pollution Damage signed at Brussels on the 29th day of November, 1969.

(4) For every certificate issued under sub-sections (2) and (3) there shall be charged such fee as may be prescribed.

352O. Acceptance of certificates issued outside India.—Any certificate issued by a competent authority in any country outside India to a ship registered in that country or any certificate issued by a competent authority of any country which is a contracting party to the International Convention on Civil Liability for Oil Pollution Damage signed at Brussels on the 29th day of November, 1969, to any ship wherever registered, shall be accepted at any port or place in India as if it were issued under this Act.

352P Ban on entering or leaving an Indian port without certificate.—(1) No Indian ship, which has on board 2000 tons or more oil in bulk as cargo shall enter or leave or attempt to enter or leave any port or place in India unless it carries on board a certificate issued under sub-section (2) of section 352N or a certificate accepted under section 352O.

(2) No ship other than an India ship carry 2000 tons or more oil in bulk as cargo, wherever registered, shall enter or leave or attempt to enter or leave any port or place in India unless it carries on board a certificate issued under sub-section (3) of section 352N or a certificate accepted under section 352O.

(3) No customs officer shall grant inward entry or outward clearance to any ship to which sub-section (1) or, as the case may be, sub-section (2) applies, unless its master produces a certificate required under the respective sub-section.

352Q. Government ships.—Nothing in this Part shall apply to any ship of war or any ship for the time being used by the Government of any country for purposes other than commercial purposes.

352R. Power to make rules.—The Central Government may make rules prescribing—

(a) the form of certificate to be issued by the Director-General under sub-section (2) of section 352N and the particulars which it may contain;

(b) fees which may be charged for issue of certificates under section 352N.

11. Substitution of new Part for Part XIA.—For Part XIA of the principal Act, the following Part shall be substituted, namely:—

‘PART XIA

PREVENTION AND CONTAINMENT OF POLLUTION OF THE SEA BY OIL

356A. Commencement and application.—(1) The provisions of this Part shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Part.

(2) This Part shall apply to—

(a) tankers of one hundred and fifty tons gross or more ;

(b) other ships of five hundred tons gross or more ; and

(c) off-shore installations.

356B. *Definitions.*—In this Part, unless the context otherwise requires,—

(a) “cargo” includes ballast and ship’s stores and fuel ;

(b) “coast” includes any island forming part of India ;

(c) “coastal waters” means any part of the territorial waters of India, or any marine areas adjacent thereto over which India has, or may hereafter have exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), or any other law for the time being in force ;

(d) “Convention” means the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, signed in London on the 12th day of May, 1954, as amended from time to time ;

(e) “discharge”, in relation to oil or oily mixture, means any discharge or escape, however caused ;

(f) the expression “from nearest land” shall mean the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958, except that in relation to north-eastern coast of Australia it shall mean from a line drawn from a point on the coast of Australia in latitude 11° South, longitude 142°08' East to a point in latitude 13°35' South, longitude 141°55' East—

thence to a point latitude 10°00' South, longitude 142°00' East

thence to a point latitude 9°10' South, longitude 143°52' East

thence to a point latitude 9°00' South, longitude 144°30' East

thence to a point latitude 13°00' South, longitude 144°00' East

thence to a point latitude 15°00' South, longitude 146°00' East

thence to a point latitude 18°00' South longitude 147°00' East

thence to a point latitude 21°00' South, longitude 153°00' East

thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East

(g) “instantaneous rate of discharge of oil content” means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant ;

(h) “mile” means a nautical mile of 1,852 metres ;

(i) “off-shore installation” means an installation, whether mobile or fixed, which is used or is intended to be used for under-water exploration or exploration or exploitation of crude oil, petroleum or other similar mineral oils, under lease, licence or any other form of contractual arrangement and includes—

(a) any installation which could be moved from place to place under its own motive power or otherwise ; and

(b) a pipe-line ;

(j) “oil” means—

(i) crude oil ;

- (ii) fuel oil ;
- (iii) heavy diesel oil conforming to such specifications as may be prescribed ; and
- (iv) lubricating oil ;
- (k) "oily mixture" means a mixture with any oil content ;
- (l) "oil reception facilities" in relation to a port, means facilities for enabling vessels using the port to discharge or deposit oil residues ;
- (m) "ship" means any sea-going vessel of any type whatsoever, including a floating craft, whether self-propelled or towed by another vessel, making a sea-voyage ;

(n) "tanker" means a ship in which greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

PROVISIONS FOR PREVENTION OF POLLUTION

356C. Prohibitions as to discharge oil or oily mixture.—(1) No oil or oily mixture shall be discharged from an Indian tanker anywhere into the sea or from a foreign tanker anywhere within the coastal waters of India except where each of the following conditions is satisfied, namely :—

- (a) the tanker is proceeding en-route ;
- (b) the instantaneous rate of discharge does not exceed sixty litres per mile ;
- (c) the total quantity of oil discharged does not exceed 1/15,000 part of the total carrying capacity of the tanker ;
- (d) the tanker is more than 50 miles from nearest land ; and
- (e) the tanker is not within the designated area notified as such under sub-section (6) of section (6) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, (80 of 1976.) :

Provided that the provisions of this sub-section shall not apply to—

(i) the discharge of ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any affluent therefrom would, if discharged from a stationary tanker into clean calm waters on a clear day, produce no visible traces of oil on the surface of the water ; or

(ii) the discharge of oil or oily mixture from machinery space bilges, if any such discharge is made in compliance with the provisions of sub-section (2) as if it were made from a ship other than a tanker.

(2) No oil or oily mixture shall be discharged from an Indian ship other than a tanker anywhere into the sea or from a foreign ship other than a tanker within the coastal waters of India except where each of the following conditions is satisfied, namely :—

- (a) the ship is proceeding en-route ;
- (b) the instantaneous rate of oil content does not exceed sixty litres per mile ;
- (c) the oil content of the discharge is less than one hundred parts per million parts of the oily mixture ;

(d) the discharge is made as far from nearest land as practicable; and

(e) the ship is not within the designated areas notified as such under sub-section (6) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976).

(3) The discharge of oily or oil mixture into the sea from any off-shore installation is hereby prohibited.

356D. Prohibition not to apply in certain cases.—Nothing in section 356C shall apply to—

(a) the discharge of oil or oily mixture from a ship or an off-shore installation for the purpose of—

(i) safety of such ship or off-shore installation; or

(ii) preventing damage to such ship or off-shore installation or cargo, if any, on board such ship or off-shore installation; or

(iii) saving life at sea;

(b) the escape of oil or oily mixture resulting from damage to or unavoidable leakage from a ship or an off-shore installation if, after occurrence of the leakage, all reasonable precautions have been taken for the purpose of preventing or minimising such escape;

(c) the discharge of oily mixture from the bilges of a ship during the period of twelve months following the date on which this section comes into force.

356E Equipment in ships to prevent oil pollution.—For the purpose of preventing or reducing discharges of oil and oily mixtures into the sea, the Central Government may make rules requiring Indian ships to be fitted with such equipment and to comply with such other requirements (including requirements for preventing the escape of fuel oil or heavy diesel oil into bilges) as may be prescribed.

356F. Oil record book.—(1) Every Indian tanker and every other Indian ship which uses oil as fuel shall maintain on board the tanker or such other ship an oil record book in the prescribed form :

Provided that different forms may be prescribed for tankers and other ships.

(2) The manner in which the oil record book shall be maintained, the nature of entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof, and all other matters relating thereto shall be such as may be prescribed having regard to the provisions of the Convention.

356G. Inspection and control of ships to which the Convention applies.—(1) A surveyor or any person authorised in this behalf may, at any reasonable time, go on board a ship to which any of the provisions of this Part applies, for the purposes of—

(a) ensuring that the prohibitions, restrictions and obligations imposed by or under this Part are complied with ;

(b) satisfying himself about the adequacy of the measures taken to prevent the escape of oil or oily mixture from the ship ;

(c) ascertaining the circumstances relating to an alleged discharge of oil or oily mixture from the ship in contravention of the provisions of this Part ; and

(d) inspecting the oil record book.

(2) The surveyor or any such person may, if necessary, make, without unduly delaying the ship, a true copy of any entry in the oil record book of the ship and may require the master of the ship to certify the copy to be a true copy and such copy shall be admissible as evidence of the facts stated therein.

356H. Information regarding contravention of the provisions of the Convention.—(1) If, on report from the surveyor or other persons authorised to inspect a vessel under section 356G, the Central Government is satisfied that any provision of the Convention has been contravened anywhere by a foreign ship, being a ship to which the provisions of the Convention apply, it shall transmit particulars of the alleged contravention to the Government of the country to which the ship belongs.

(2) On receipt of information from the Government of any country which has ratified the Convention that an Indian ship has contravened any provisions of the Convention, the Central Government may, if it deems it necessary so to do, request such Government to furnish further details of the alleged contravention, and if satisfied that sufficient evidence is available to establish contravention of any of the provisions of this Part or rules made thereunder, take appropriate action against the owner or master and intimate the reporting Government of the action so taken.

356I. Oil reception facilities at ports in India—(1) Notwithstanding anything contained in any other law for the time being in force, in respect of every port in India, the powers of the port authority shall include the power to provide oil reception facilities.

(2) A port authority providing oil reception facilities or a person providing such facilities by arrangement with the port authority, may make charges for the use of the facilities at such rates and may impose such conditions in respect of the use thereof as may be approved, by notification in the Official Gazette, by the Central Government in respect of the port.

(3) Where the Central Government is satisfied that there are no oil reception facilities at any port in India or that the facilities available at such port are not adequate for enabling ships calling at such port to comply with the requirements of the Convention, the Central Government may, after consultation with the port authority in charge of such port, direct, by order in writing, such authority to provide or arrange for the provision of such oil reception facilities as may be specified in the order.

(4) The Central Government may, by notification in the Official Gazette, specify the ports in India having oil reception facilities in accordance with the requirements of the Convention.

Explanation.—For the purpose of this section, “port authority” means.—

(a) in relation to any major port, the Board of Trustees in respect of that port constituted under any law for the time being in force.

(b) in relation to any other port, the Conservator of the Port, within the meaning of section 7 of the Indian Ports Act, 1908 (15 of 1908)

PROVISIONS FOR CONTAINMENT OF ACCIDENTAL POLLUTION

356J. *Power to give notice to owner, etc., of polluting ship.*

(1) Where the Central Government is satisfied that—

(a) oil is escaping or is likely to escape from a tanker, or any off-shore installation; and

(b) the oil so escaped or likely to escape is causing or threatens to cause pollution of any part of coasts or coastal waters of India, it may, for the purpose of minimising the pollution already caused, or, for preventing the pollution threatened to be caused, require—

(i) the owner, agent, master or charterer of the tanker,

(ii) the owner, agent, master or charterer of the ship other than a tanker,

(iii) the owner, agent, master, charterer or operator of a mobile off-shore installation,

(iv) the owner, operator, lessee or licensee off-shore installation of any other type,

or all or any of them, by notice served on him or as the case may be on them, to take such action in relation to the tanker, ship other than a tanker, mobile off-shore installation or, as the case may be, off-shore installation of any other type or its cargo or in relation to both, as may be specified in such notice.

(2) Without prejudice to the generality of sub-section (1), the notice issued under that sub-section may require the person or persons on whom such notice is served to take action relating to any or all of the following matters, namely:—

(a) action for preventing the escape of oil from the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type ;

(b) action for removing oil from the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type in such manner, if any, and to such place, if any, as may be specified in the notice;

(c) action for removal of the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type to a place, if any, as may be specified in the notice ;

(d) action for removal of the oil slicks on the surface of the sea in such manner, if any, as may be specified in the notice;

(e) action to disperse the oil slicks on the surface of the sea in such manner, if any, as may be specified in the notice.

(3) The Central Government may, by any notice issued under sub-section (1), prohibit the removal—

(a) of the ship other than a tanker, mobile off-shore installation or off-shore installation of any other type, from a place specified in the notice;

(b) from the tanker, ship other than a tanker, mobile off-shore installation of any other type, of any cargo or stores as may be specified in the notice,

except with its previous permission and upon such conditions, if any, as may be specified in the notice.

(4) Notwithstanding anything contained in sub-section (2), the Central Government may, if it is of the opinion that the pollution caused or likely to be caused has or may present a grave emergency, proceed to take such measures as may be deemed necessary and any measures so taken shall be deemed to have been taken under section 356K.

356K. Powers to take measures for preventing or containing oil pollution.—(1) Where any person fails to comply, or fails to comply in part, with any notice served on him under section 356J, the Central Government may, whether or not such person convicted of an offence under this Part by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for—

(i) carrying out the directives given in the notice issued under section 356J; and

(ii) containing the pollution already caused or preventing the pollution threatened to caused, of coastal waters or, as the case may be, of any part of the coast of India by oil escaped or threatening to escape from the tanker, a ship other than a tanker, a mobile off-shore installation or off-shore installation of any other type.

(2) Subject to the provisions of Part XB, any expenditure or liability incurred by the Central Government in, or by reason of, the exercise of powers under sub-section (1) in relation to any tanker, ship other than a tanker, mobile off shore installation or off-shore installation of any other type in respect of which a notice had been issued under section 356J, or its cargo of oil that had escaped or was discharged into the sea, shall be debt due to the Central Government by the person or persons on whom the notice was served and may be recovered from that person, or as the case may be, from all or any of those persons and shall be a charge upon all or any tanker, ship other than a tanker, mobile off-shore installation or off shore installation of any type owned by that person or persons which may be detained by the Central Government until the amount is paid;

Provided that provisions of Part XB of this Act shall not apply to measures taken in respect of any off-shore installation which is not a ship within the meaning of this Act except that in the event of pollution damage caused by any such off-shore installation the person who is liable for the damage may claim exoneration from any liability if he proves that such damage—

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irreparable character; or

(b) was wholly caused by an act or omission done with intent to cause that damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the mainten-

ance of lights or other navigational aids in exercise of its functions in that behalf.

356L. Power of the Central Government to give directions to certain ships to render certain services.—(1) Where for the purposes of taking any measures under sub-section (1) of section 356K, services of any Indian ship become necessary for—

(i) lightening or transporting any cargo or equipment from or to the pulling ship ; or

(ii) providing any assistance to any other ship or equipment engaged in rendering service under clause (i),

the Central Government may, if it deems it necessary so to do, direct, by an order in writing, the owner of any Indian ship, tug, barge or any other equipment to provide such services or assistance as may be specified in that order.

(2) The owner of any ship, tug, barge or any other equipment with respect to which an order under sub-section (1) has been made shall be entitled to tariff rates of freight and charter hire at reasonable rates having regard to current market conditions :

Provided that where tariff rates of freight are not fixed or where there is any dispute about reasonable rate of charter hire, the freight or, as the case may be, charter hire, shall be paid at such rates as may be fixed by the Director-General by an order in writing.

(3) Where in pursuance of the proviso to sub-section (2), the Director-General makes any order fixing rates of freight or charter hire, he shall determine reasonability of such rates of freight or charter hire by examining such witnesses, documents and accounts as he may deem necessary.

356M. Oil Pollution cess.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify, there shall be levied on every ship calling at any port in India being a ship which carries oil as cargo, a cess to be called Oil Pollution Cess (hereafter in this Part referred to as cess) at such rate not exceeding fifty paise,—

(a) in respect of each tonne of oil imported by a ship into India in bulk as a cargo ;

(b) in respect of each tonne of oil shipped from any place in India in bulk as a cargo of a ship.

as the Central Government may, by notification in the Official Gazette, fix :

Provided that no cess shall be levied on a ship at any port if the ship produces evidence of having paid such levy at the same or any other port in India within a period of three months immediately preceding its present call at the port.

(2) The cess shall be collected by such officers and in such manner as the Central Government may prescribe in this behalf and shall, after deduction of such costs of collection, if any, as the Central Government may determine, be paid to such authority as the Central Government may specify.

(3) The proceeds of the cess shall, after due appropriation made by Parliament by law, be utilised for the purpose of providing oil reception facilities and equipments and materials for combating oil pollution at various ports in India and for such other like purposes as the Central Government may, by notification in the Official Gazette, from time to time, specify.

356N Refusal of port clearance.—The officer whose duty it is to grant a port clearance for any ship shall not grant the port clearance until the amount of cess payable under section 356M has been paid or until security for the payment thereof has been given to his satisfaction.

356O. Power to make rules—(1) The Central Government may, having regard to the provisions of the Convention, make rules to carry out the purposes of this Part.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), such rules may—

(a) prescribe the specifications of heavy diesel oil for the purpose of sub-clause (iii) of clause (j) of section 356B;

(b) prescribe the equipment to be fitted in Indian ships and other requirements to be complied with by those ships for the purposes of section 356E;

(c) prescribe the forms of oil record books for tankers and other ships, the manner in which such books shall be maintained, the nature of the entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto for the purposes of section 356F;

(d) prescribe the fees which may be levied for inspection of oil monitoring system, oily water separator, oil content metre, crude oil washing system, inert gas system or other equipments or contrivances carried out on board for preventing pollution of the sea by oil and the manner in which fees may be collected.

(e) specify the officers who shall collect the cess and the manner in which the cess shall be collected.”

12. Insertion of new section 411A.—After section 411 of the principal Act, the following section shall be inserted, namely:—

“411A. Powers of the Central Government to protect interests of Indian shipping from undue foreign intervention.—(1) If it appears to the Central Government—

(a) that measures have been taken by or under the law of any foreign country for regulating or controlling the terms or conditions upon which goods or passengers may be carried by sea, or the terms or conditions of contracts or arrangements relating to such carriage; and

(b) that such measures, in so far as they apply to things done or to be done outside the territorial jurisdiction of that country by persons carrying on lawful business in India, constitute an infringement of the jurisdiction which belongs to India, it may, by an order in writing, direct that this section shall apply to those measures either in whole or to such extent as may be specified in the order.

(2) Where an order issued under sub-section (1) is in force in relation to any measures, it shall be the duty of every person in India

who carries on business, consisting or comprising of the carriage of goods or passengers by sea to give notice to the Central Government of any requirement or prohibition imposed or threatened to be imposed on him pursuant to such measures so far as this section applies to him, including any requirement to submit any contract or other document for approval thereunder.

(3) Where a notice under sub-section (2) is received from any person or there are grounds to believe that a notice is likely to be received; the Central Government may, by an order in writing, give to such person directions prohibiting compliance with any such requirement or prohibition as it considers proper for maintaining the jurisdiction of India.

(4) Any directions given by the Central Government under sub-section (3) may be either general or special and may prohibit compliance with any requirement or prohibition either absolutely or in such cases or subject to such conditions, as to consent or otherwise, as may be specified in the order.

(5) It appears to the Central Government that any person in India has been or may be required to produce or furnish to any court, tribunal or authority of a foreign country any commercial document which is not within the territorial jurisdiction of that country or any commercial information to be compiled from documents not within the territorial jurisdiction of that country and that the requirement constitutes or would constitute an infringement of the jurisdiction which belongs to India, the Central Government may, by an order in writing, give directions to that person, prohibiting him from complying with the requirement except to such extent or subject to such conditions as may be specified in the order."

13. *Amendment of section 417.*—In section 417 of the principal Act, in sub-section (1), after the words "sailing vessel", the brackets and words "(other than a sailing vessel solely engaged in fishing for profit)" shall be inserted.

14. *Amendment of section 435.*—In section 435 of the principal Act, for clause (o) of sub-section (2), the following clause shall be substituted, namely:—

"(o) the fees which may be levied for the issue or re-issue of certificates of registry, for the survey or inspection of sailing vessels before issue of such certificates, for the inspection of sailing vessels and for all other purposes of this Part and the manner in which such fees may be recovered;"

15. *Insertion of new Part XVA.*—After Part XV of the principal Act, the following Part shall be inserted, namely:—

PART XVA FISHING BOATS

435A. *Application of Part.*—Save as otherwise provided, this Part applies to every Indian fishing boat.

435B. *Definition.*—For the purposes of this Part, "Indian fishing boat" means—

- (a) every fishing vessel, as defined in clause (12) of section 3;
- (b) every sailing vessel, whether or not fitted with mechanical means of propulsion, solely engaged in fishing for profit;
- (c) every boat or craft of any other type used solely for fishing which the Central Government may, by notification in the Official Gazette, specify to be a fishing boat for the purposes of this section, which is owned wholly by persons to each of whom any of the descriptions specified in clause (a) or in clause (b) or in clause (c), as the case may be, of section 21 applies or which satisfies such other requirements as the Central Government may, by notification in the Official Gazette, specify.

435C. Obligation to register.—Every Indian fishing boat shall be registered under this Part:

Provided that any Indian fishing boat registered at the commencement of this Part under Part V or Part XV of this Act or any other law for the time being in force in India shall be deemed to have been registered under this Part :

Provided further that every Indian fishing boat so deemed to have been registered shall be re-registered under this Part within such period from the commencement of this Part as the Central Government may, by notification in the Official Gazette, specify ;

Provided also that registration of non-mechanised sailing vessels will commence in different ports on such dates as the Central Government may, by notification in the Official Gazette, specify.

435D. Port of registry.—(1) The ports at which registration of Indian fishing boats shall be made shall be such ports or places in India as the Central Government may, by notification in the Official Gazette, declare to be ports or places of registry under this Part.

(2) The port or place at which an Indian fishing boat is registered for the time being under this Part, shall be deemed to be her port or place of registry and the port or place to which she belongs.

435E. Registrars of Indian fishing boats.—The Central Government may, by notification in the Official Gazette, appoint an officer to be registrar of Indian fishing boats (hereafter in this Part referred to as registrar) at every port or place declared as a port or place of registry under sub-section (1) of section 435D.

435F. Application for registry.—An application for the registry of an Indian fishing boat shall be made—

(a) in the case of an individual, by the person requiring to be registered as owner or by his agent ;

(b) in the case of more than one individual requiring to be so registered by one or more of the persons so requiring or by his or their agent or agents, as the case may be ; and

(c) in the case of a company or a co-operative society requiring to be so registered, by its agents ;

and the authority of the agent shall be testified in writing, if appointed by an individual under the hand of the person appointing him and, if appointed by a company or a co-operative society under its common seal

435G. Certificate of registry.—(1) The owner of every Indian fishing boat required to be registered under this Part shall make an application in the prescribed form to the registrar for the grant to him of a certificate of registry in respect of the fishing boat.

(2) The owner of every Indian fishing boat in respect of which an application under sub-section (1) is made, shall cause the tonnage of the fishing boat to be ascertained in the prescribed manner.

(3) The registrar may make such inquiry as he thinks fit with respect to the particulars contained in such application and shall enter in a register to be kept for the purpose (hereinafter referred to as fishing boats register) the following particulars in respect of the Indian fishing boat, namely :—

(a) the name of the fishing boat, the place where she was built and the port to which she belongs ;

(b) the rig, type and tonnage of the fishing boat ;

(c) the number assigned to the fishing boat ;

(d) the name, occupation and residence of the owner of the fishing boat ;

(e) the mortgages, if any, effected by the owner in respect of the fishing boat ; and

(f) such other particulars as may be prescribed.

(4) After the particulars in respect of the Indian fishing boat have been entered in the fishing boats register under sub-section (3), the registrar shall grant to the applicant a certificate of registry in the prescribed form.

(5) The owner of every Indian fishing boat shall pay for each certificate of registry a fee according to such scale as may be prescribed by the Central Government, having regard to the tonnage of the fishing boat, but in no case exceeding one rupee per ton of its gross tonnage.

(6) An Indian fishing boat required to be registered under this Part but not so registered may be detained by a proper officer until the owner, skipper, tindal or other person in charge of the fishing boat produces a certificate of registry in respect of the fishing boat.

435H. Particulars relating to Indian fishing boats to be painted.—The owner of every Indian fishing boat so registered shall, before commissioning the fishing boat into service, paint or cause to be painted permanently in the prescribed manner on some conspicuous part of the fishing boat, the name by which the fishing boat has been registered, the number assigned to the fishing boat by the registrar and the port or place to which she belongs, and shall take all steps to ensure that the fishing boat remains painted as required by this section.

435I. Change of name of Indian fishing boats.—A charge shall not be made in the name of an Indian fishing boat registered under this Part except in accordance with rules made in this behalf.

435J. Special provision for Indian fishing boats.—Every Indian fishing boat registered under this Part shall carry on board such life saving appliances and fire appliances as are prescribed by rules made under sections 288, 289 and 457 or under any other provision of this Act, subject to such exemptions as may be specially granted in respect of such fishing boat.

435K. Certificate of inspection.—(1) No Indian fishing boat shall ply or proceed to sea unless there is in respect of that fishing boat a certificate of inspection granted under this Part.

(2) A certificate of inspection in respect of an Indian fishing boat shall specify—

(a) the name and tonnage of the fishing boat;

(b) the name of skipper, tindal or other person in charge of the fishing boat;

(c) the maximum number of members of crew the fishing boat is certified to carry;

(d) the safety equipments and appliances the fishing boat is required to carry on board;

(e) such other matters as the Central Government may think fit to specify.

and shall contain a statement to the effect that her hull, rigging, equipment and machinery where fitted are in good condition.

(3) Every certificate of inspection shall be in force from the date of issue for a period of one year or for such shorter period as may be specified therein :

Provided that when an Indian fishing boat is at sea at the time of expiry of the certificate, the certificate shall continue to be valid until her first arrival at a port or place in India.

435L. Cancellation, re-issue, etc , of certificate of inspection.—

(1) Where at any time subsequent to the issue of a certificate of inspection in respect of an Indian fishing boat, the registrar has reason to believe that the fishing boat is not fit to proceed to sea, he may, after giving the owner an opportunity of making a representation, cancel such certificate.

(2) Where at any time subsequent to the issue of a certificate of inspection an Indian fishing boat has undergone material alteration or has met with accident or, where the certificate of inspection has been cancelled under sub-section (1) and the application is made for the re-issue of such certificate or for the grant of a fresh certificate, the registrar may, before re-issuing the certificate or issuing a fresh certificate, as the case may be, cause such fishing boat to be inspected; and if the authority inspecting the fishing boat reports that she is not fit to proceed to sea or that her hull, rigging or equipment are defective, such certificate shall not be re-issued or issued until the fishing boat is, in the opinion of such authority, fit to proceed to sea or the defect is rectified to the satisfaction of that authority

435M. Inspection of safety equipments and appliances.—(1) Any surveyor appointed under section 9, any registrar appointed under section 435E or any other officer appointed by the Central Government in this behalf by notification in the Official Gazette may at any reasonable time inspect any Indian fishing boat for the purpose of seeing that she is properly provided with safety equipments and appliances in conformity with the rules referred to in section 435J.

(2) If the surveyor, or, as the case may be, the registrar or other officer appointed under sub-section (1) finds that the Indian fishing

boat is not provided with the aforesaid equipments and appliances, he shall give to the owner, skipper or tindal or any other person in charge of the fishing boat a notice in writing pointing out the deficiency and also what in his opinion is requisite to remedy the said deficiency.

(3) No Indian fishing boat served with a notice under sub-section (2) shall proceed to sea until it obtains a certificate signed by the surveyor, registrar or other officer appointed under sub-section (1) to the effect that it is properly provided with safety equipments and appliances in conformity with the aforesaid rules.

435N. Registration of alteration.—When an Indian fishing boat is so altered as not to correspond with the particulars relating to her entered in the certificate of registry the owner of such fishing boat shall make a report of such alterations to the registrar of the port or place where the fishing boat is registered, and the registrar shall either cause the alterations to be registered, or direct that the fishing boat may be registered anew, in accordance with such rules as may be made in this behalf.

435O. Transfer of registry—The registry of an Indian fishing boat may be transferred from one port or place to another port or place in India on the application of the owner of the fishing boat in accordance with such rules as may be made in this behalf.

435P. Closure of Registry.—If an Indian fishing boat is lost, destroyed or rendered permanently unfit for service, the owner of such fishing boat shall, with the least possible delay, report the fact to the registrar of the port or place where the fishing boat is registered and also forward to him certificate of registry in respect of the fishing boat; and there upon the registrar shall have the registry of the fishing boat closed.

435Q. Restriction on transfer of Indian fishing boats.—No person shall transfer or acquire any Indian fishing boat registered under this Part or any interest therein without the previous approval of the Central Government; and any transaction effected in contravention of this section shall be void and unenforceable.

435R. Mortgage of Indian fishing boat.—(1) Every mortgage of an Indian fishing boat or any interest therein effected after the date on which this Part comes into force shall be registered with the registrar.

(2) Every mortgage of an Indian fishing boat or any interest therein effected before the date on which this Part comes into force shall, if subsisting on that date, be registered with the registrar within three months from that date.

(3) The registrar shall enter every such mortgage in the fishing boats register in the order in which it is registered with him.

(4) If there are more mortgages than one recorded in respect of the same Indian fishing boat or interest therein, the mortgages shall notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is registered with the registrar and not according to the date of each mortgage itself :

Provided that nothing contained in this sub-section shall affect the relative priorities as they existed immediately before the date on which

this Part comes into force as between mortgages of the same fishing boat or interest therein effected before such date which are registered in accordance with the provisions of sub-section (2).

435S. *Fraudulent use of certificate of registry or certificate of inspection, etc., prohibited.*—(1) No person shall use the certificate of registry or the certificate of inspection granted in respect of an Indian fishing boat for any purpose other than the lawful operation of that fishing boat.

(2) No person shall use or attempt to use for the operation of an Indian fishing boat, a certificate of registry or a certificate of inspection not granted in respect of that fishing boat.

(3) No person who has in his possession or under his control the certificate of registry or the certificate of inspection of an Indian fishing boat shall refuse or omit without reasonable cause to deliver such certificate on demand to the owner of the fishing boat.

435T. *Statement relating to crew of Indian fishing boat to be maintained.*—(1) Every owner, skipper, tindal or other person in charge of a mechanised Indian fishing boat of 25 registered tons and above shall maintain or cause to be maintained in the prescribed form a statement of the crew of the fishing boat containing the following particulars with respect to each member thereof, namely :—

- (a) his name ;
- (b) the wages payable to him ;
- (c) the names and addresses of his next-of-kin ;
- (d) the date of commencement of his employment ; and
- (e) such other particulars as may be prescribed :

Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do, and for reasons to be recorded in writing, exempt, by general or special order, any Indian fishing boat or class of Indian fishing boats from the provisions of this sub-section.

(2) Every change in the crew of the Indian fishing boat shall be entered in the statement under sub-section (1).

(3) A copy of such statement and of every change entered therein shall be communicated as soon as possible to the registrar of the port or place of registry of the Indian fishing boat concerned.

435U. *Power to make rules respecting Indian fishing boats.*—(1) The Central Government may make rules to carry out the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form in which applications for certificates of registry shall be made and the particulars which such applications should contain ;
- (b) the manner in which tonnage of an Indian fishing boat shall be ascertained ;
- (c) the form in which fishing boats register shall be maintained ;
- (d) the forms in which certificates of registry and certificates of inspection may be issued ;

(e) the fees which may be levied for the issues or re-issue of certificates of registry or certificates of inspection and for all other purposes of this Part ;

(f) the manner in which the name, number assigned to the Indian fishing boat and name of the port or place to which she belongs shall be painted ;

(g) the manner in which any change may be made in the name of an Indian fishing boat ;

(h) any exemption from the requirements relating to carriage of safety equipment and appliances by an Indian fishing boat that may be specially granted under section 435J in respect of such fishing boat ;

(i) the manner in which alterations in Indian fishing boats shall be reported and applications for the registry of such alterations in the certificates of registry of Indian fishing boats shall be made, the endorsement of the particulars of alterations on the certificates of registry, the grant of provisional certificates in cases where Indian fishing boats are directed to be registered a new, cases in which Indian fishing boats shall be registered anew, the period for which provisional certificates shall be valid and all other matters ancillary to the registry of alterations ;

(j) the manner in which registry of an Indian fishing boat may be transferred from one port or place in India to another port or place in India ;

(k) the form in which statement of members of crew of an Indian fishing boat may be maintained ;

(l) any other matter which has to be or may be prescribed.

435V. Application to Indian fishing boats of other provisions relating to ships.—The Central Government may, by notification in the Official Gazette, direct that any provisions of this Act other than those contained in this Part which do not expressly apply to Indian fishing boats shall also apply to Indian fishing boats subject to such conditions, exceptions and modifications as may be specified in the notification.

435W. Fishery data to be furnished by Indian fishing boats.—The Central Government may, by notification in the Official Gazette, require every Indian fishing boat or any specified class of Indian fishing boats to furnish such fishery data to the registrar in such form and at such periodical intervals as may be specified in that notification.

435X. Power to exempt.—Notwithstanding anything contained in this Part, the Central Government may, by order in writing, and upon such conditions as it may think fit to impose, exempt any Indian fishing boat or class of Indian fishing boats or skipper, tindal or member of crew of such fishing boat or class of fishing boats from any specified requirement contained in or prescribed by any rules made in pursuance of any provision of this Part or from any other requirement of this Act extended to Indian fishing boats or to personnel employed on Indian fishing boats by a notification issued under section 435V, if it is satisfied that the requirement is substantially complied with or the compliance with the requirement may be impracticable or unreasonable in the circumstances attending the case.

16. Amendment of section 436.—In section 436 of the principal Act, in sub-section (2), in the Table,—

(i) against Serial Number 100, in the fourth column, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) for Serial Numbers 115B, 115C and 115D and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4
"115B (a) If oil or oily mixture is discharged in contravention of sub-section (1) of section 356C—			
(i) where such discharge is made from an Indian tanker anywhere into the sea;	356C(1)	The master of the tanker, shall be liable to fine which may extend to five lakh rupees.	
(ii) where such discharge is made from a foreign tanker anywhere within the coastal waters of India.	356C(1)	The Master of the tanker, or if the tanker is unmanned, the person in charge of its operation shall be liable to fine which may extend to five lakh rupees.	
(b) If oil or oily mixture is discharged in contravention of sub-section (2) of section 356C—			
(i) where such discharge is made by an Indian ship other than a tanker anywhere into the sea;	356C(2)	The master of the ship shall be liable to fine which may extend to five lakh rupees.	
(ii) where such discharge is made by a foreign ship other than a tanker anywhere within the coastal waters of India.	356C(2)	The master, or if the ship is unmanned, the person in charge of its operation shall be liable to fine which may extend to five lakh rupees.	
(c) If oil or oily mixture is discharged in contravention of sub-section (3) of section 356C.	356C(3)	The master of the off-shore installation if it be a mobile craft or the owner, operator, lessee or licensee of an off-shore installation of any other type shall be liable to fine which may extend to five lakh rupees.	
115C If an Indian ship is not fitted with equipment prescribed under section 356B.	356E	The owner, master or agent of the Indian ship shall be liable to fine which may extend to ten thousand rupees.	

1	2	3	4
115D	(i) If the Master of an Indian tanker or other Indian ship fails to maintain an oil record book as required by section 356F or contravenes any rule made under that section;	356F	The master of the Indian tanker or other Indian ship shall be liable to fine which may extend to five thousand rupees.
	(ii) If any person wilfully destroys or mutilates or renders illegible or prevents the making of, any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under section 356F.	356F	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to ten thousand rupees or both.
115E	If master of any ship refuses to certify copy of any entry in the oil record book to be a true copy of such entry as required under sub-section (2) of section 356G.	356G(2)	The master of the ship shall be liable to fine which may extend to one thousand rupees.
115F	If any person fails to take action as required by a notice served on him under sub-section (1) of section 356J.	356J(1)	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to ten lakh rupees or both.
115G	If owner of any Indian ship, tug, barge or any other equipment fails to comply with any order issued under sub-section (1) of section 356L.	356L(1)	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to one lakh rupees, or both and if the offence is a continuing one the offender shall be liable to a further fine which may extend to ten thousand rupees per day for every day during which the offence continues after conviction.”;

(iii) after Serial Number 137 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
	“137A If an Indian fishingboat required to be registered under section 435C is not registered in accordance with the provisions of that section.	435C	The owner shall be liable to fine which may extend to one thousand rupees.
137B	If the owner of Indian fishing boat fails to comply with the provisions of section 435H.	435H	The owner shall be liable to fine which may extend to two hundred rupees.
137C	If provisions of section 435I are contravened.	435I	The owner shall be liable to fine which may extend to two hundred rupees.
137D	If provisions of section 435J are contravened.	435J	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137E	If provisions of section 435K are contravened.	435K	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137F	If provisions of section 435M are contravened.	435M	The owner shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137G	If provisions of section 435N are contravened.	435N	The owner shall be liable to fine which may extend to two hundred rupees and in addition to fine which may extend to twenty rupees for every day during which the offence continues after conviction.

1	2	3	4
137H	If provisions of section 435P are contravened.	435P	The owner shall be liable to fine which may extend to two hundred rupees.
137I	If any person contravenes the provisions of section 435Q.	435Q	The offender shall be liable to fine which may extend to five hundred rupees.
137J	If any person contravenes the provisions of section 435S.	435S	The offender shall be liable to imprisonment which may extend to three months or fine which may extend to two hundred rupees, or both.
137K	If provisions of section 435T are contravened.	435T	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to two hundred rupees".

17. *Amendments relating to references to Act 5 of 1898.*—The amendments directed in the Schedule (being amendments for substituting for the references in the principal Act to the provisions of, and authorities under, the Code of Criminal Procedure, 1898, references to the corresponding provisions of, and authorities under, the Code of Criminal Procedure, 1973) (2 of 1974.) shall be made in the principal Act.

THE SCHEDULE (SEE SECTION 17)

AMENDMENTS TO THE MERCHANT SHIPPING ACT, 1958 (44 OF 1958)

1. In section 35 of the principal Act, in sub-section (3) for the words "any magistrate of the first class" and "the magistrate", the words "any Judicial Magistrate of the first class or any Metropolitan Magistrate, as the case may be," and "the said Magistrate" shall, respectively be substituted.

2. In section 132 of the principal Act, in sub-section (3), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

3. In section 145 of the principal Act, in sub-section (1),—

(a) for the words "any magistrate", the words "any Judicial Magistrate of the first class or any Metropolitan Magistrate, as the case may be," shall be substituted;

(b) for the words "the magistrate" at both the places where they occur, the words "such Magistrate" shall be substituted.

4. In section 146 of the principal Act, in clause (c), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

5. In section 184 of the principal Act, for the words "a magistrate" at the both the places where they occur, the words "a Judicial

Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

6. In section 187 of the principal Act, in sub-section (2), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

7. In section 189 of the principal Act for the words "a magistrate" the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

8. In section 233 of the principal Act, in sub-section (3), for the words "nearest magistrate", the words "nearest Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be," shall be substituted.

9. In section 279 of the principal Act, in sub-section (4), for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

10. In section 282 of the principal Act, in clause (s), for the word "magistrates", the words "Metropolitan Magistrates or Judicial Magistrates of the first class, as the case may be," shall be substituted.

11. In section 361 of the principal Act, for the words "A magistrate of the first class" and "presidency magistrate", the words "A Judicial Magistrate of the first class" and "Metropolitan Magistrate" shall, respectively, be substituted.

12. In section 372 of the principal Act,—

(a) in sub-section (1), for the words "magistrate of the first class" and "presidency magistrate", the words "Judicial Magistrate of the first class" and "Metropolitan Magistrate" shall, respectively, be substituted;

(b) in sub-section (3), for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted;

(c) in sub-section (4), for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted.

13. In section 383 of the principal Act, in sub-section (2), for the words "presidency magistrate, magistrate of the first class", the words "Metropolitan Magistrate, Judicial Magistrate of the first class" shall be substituted.

14. In section 401 of the principal Act, for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted.

15. In section 402 of the principal Act,—

(a) in sub-section (4), in clause (a), for the word "magistrate" the words "Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted;

(b) in sub-section (5), for the words "the magistrate or the High Court, as the case may be," and "the magistrate", the words "the

Judicial Magistrate of the first class or the Metropolitan Magistrate or the High Court, as the case may be," and "such magistrate" shall respectively, be substituted;

(c) in sub-section (6), for the words "a magistrate" and "the magistrate", wherever they occur, the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate" and "such magistrate" shall, respectively, be substituted,

16. In section 439 of the principal Act, for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

17. In section 440 of the principal Act,—

(a) for the words and figures "section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)" the words and figures "section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted ;

(b) for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

18. In section 422 of the principal Act, in sub-section (1),—

(a) for the words "court or magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted ;

(b) for the words "court, magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted ;

(c) for the words "justice or magistrate", the words "or justice or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted ;

(d) for the words "justice, magistrate", the words "justice or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted.

19. In section 445 of the principal Act,—

(a) in sub-section (1), for the words "court, magistrate" and "a Magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" and "such a magistrate" shall, respectively, be substituted ;

(b) in sub-section (2), for the words "court, magistrate or other officer" and "court, magistrate, officer", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate or other officer" and "Court or Judicial Magistrate of the first class or Metropolitan Magistrate or officer" shall, respectively, be substituted.

20. In section 447 of the principal Act, for the words "A magistrate", the words "A Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

"STATEMENT OF OBJECTS AND REASONS"

The amendments proposed in this Bill to the Merchant Shipping

Act, 1958, fall, from the point of view of their objects and reasons, into different categories. The various categories of amendments and the objects and reasons therefor are dealt with in the following paragraphs:—

(1) *Establishing a regime of compensation for oil pollution damage.*

The International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC) establishes an entirely new regime of compensation and liability on the owners of the ship from which polluting oil escaped or was discharged. The provisions of the Convention do not cast any burden direct or indirect on a contracting State either in its capacity as a flag State or a State importing or exporting oil. In order to give effect to the substantive provisions of this Convention, a new Part XB is being inserted. This will enable India to exercise jurisdiction on foreign ships in our coastal waters (vide clause 10 of the Bill).

(2) *Giving effect to the amendments to the International Convention for the Prevention of Pollution of Sea by Oil, 1954.*

The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, has already been ratified by India and effect to the provisions contained in the said Convention have already been given effect to by Part XIA of the Act. For giving effect to the amendments to the Convention of 1954 which relate to the ban of discharge of oil or oily mixture anywhere into the sea except at the instantaneous rate of discharge, it is proposed to substitute the existing Part XIA of the Act by a new Part (vide clause 11 of the Bill).

(3) *Levy of pollution cess.*

The amendments proposed for controlling deliberate discharge and containing accidental escape of oil into the sea put a heavy financial responsibility on the Central Government as it has to provide, among others, adequate facilities for reception of oil residues at the ports. These measures would involve an expenditure which is likely to run into crores of rupees. This expenditure is proposed to be re-imbursed to the Government by levying pollution cess on all ships—Indian or foreign—which carry oil as cargo when they call on Indian ports. It is proposed to give an enabling power to the Central Government to levy cess from a date to be notified by that Government (vide clause 11-section 356M).

(4) *Investing powers in the Central Government to protect interests of Indian shipping from undue foreign from undue foreign intervention.*

Shipping Conferences are not generally subject to any Governmental control and it is unusual for States to exercise control over International shipping. However, certain maritime countries have adopted a different attitude and asked certain Indian shipping companies to produce documents and records held by them in India. With a view to protecting Indian shipping owners from such arbitrary measures of foreign States violating the jurisdiction belonging to us, it is proposed to include a provision which would enable the Central Government to protect the interests of the Indian companies, vis-a-vis undue intervention by foreign countries (vide clause 12).

(5) *Providing for registration and control of Indian fishing boats as defined in new section 435B.*

The Bill seeks to insert a new Part XVA to provide for registration and control of Indian fishing boats as defined in new section 435B. This is being done to give effect to the recommendations of the Fisheries Enquiry Committee. Under the proposed amendment it will be obligatory for every owner of an Indian fishing boat to get the same registered at any port or place of registry notified by the Central Government.

(6) *Enhancing the penalties provided in section 436 of the Act.*

It is felt that the penalties at present prescribed for the contravention of the provisions of section 313 of the Act do not seem to have acted as a deterrent. It is, therefore, proposed to enhance the additional fine prescribed against Serial No. 100 in the Table below section 436(2) from Rs. 1,000/- to Rs. 5,000/-. Also, penalties for the contravention of provisions of Part XIA are being enhanced for major pollution offences to the extent of Rs. 10 lakhs and for minor pollution offences to the extent of Rs. 10 thousand. Penalties for contravention of the provisions of new Part XVA, relating to fishing boats, which are akin to sailing vessels, are also being provided (vide clause 16 of the Bill).

(7) *Empowering the Central Government to make rules with respect to levying fees for various services rendered by surveyors to shipping industry.*

The Central Government provides services of a number of surveyors and senior officers to the shipping industry. With the adoption of new International Conventions and Protocols by the International Community on maritime matters, particularly in the field of safety of life and property at sea, the protection of maritime environment and training and certification of ship's officers and crew, the workload on the Mercantile Marine Department, which is functioning under the Director-General of Shipping, has increased considerably. This has resulted in the increase of wage bill of technical staff. In order to meet this expenditure in part, the Central Government is being given the power to make rules for levying fees for the services rendered by the Department to the industry. For this purpose it is proposed to amend sections 74, 87, 175, 282, 344 and 435 of the Act.

(8) *Amendment of section 2 of the Act to apply the Act to all vessels including sailing vessels and Indian fishing boats.*

The existing section 2 does not clearly show that the Act would apply to all vessels including sailing vessels and Indian fishing boats. In order to remove this lacuna, it is proposed to amend section 2.

(9) Incidentally, this opportunity is availed of to replace the references to the Code of Criminal Procedure, 1898 and the functionaries thereunder by references to the Code of Criminal Procedure, 1973 and the functionaries thereunder (vide clause 17 of the Bill—Schedule).

[Vide Statement of Objects and Reasons, published in the Gazette of India, Extraordinary, Part II, section 2, No. 41, dated August 9, 1982]

THE FINANCE ACT, 1983

The following Act of Parliament received the assent of the President on the 13th May, 1983 and was published in the Gazette of India, Extraordinary, Part II, Sec. 1, No. 12 dated May 13, 1983

INDIAN PARLIAMENT NO. 11 OF 1983

An Act to give effect to the financial proposals of the Central Government for the financial year 1983-84.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows ;—

CHAPTER I**PRELIMINARY**

1. *Short title and commencement.*—(1) This Act may be called the Finance Act, 1983.

(2) Save as otherwise provided in this Act, sections 2 to 43 and section 59 shall be deemed to have come into force on the 1st day of April, 1983.

NOTES

[For the Statement of Objects and Reasons and Notices on clauses Sec. the Gazette of India, Extraordinary Part II, Sec. 2, No. 3, dated February 28, 1983. Editor]

CHAPTER II**RATES OF INCOME-TAX**

2. *Income-tax* —(1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1983, income-tax shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

(a) in the cases to which Paragraphs A, B, C and D of that Part apply, by a surcharge for purposes of the Union; and

(b) in the cases to which Paragraph E of that Part applies, by a surcharge,
calculated in each case in the manner provided therein.

(2) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding six hundred rupees, in addition to total income, and the total income exceeds.—

(i) in a case to which the said Sub-Paragraph I applies, fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, twelve thousand rupees,
then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) (that is to say, as if the net agricultural income were comprised in the total income after,—

(i) in a case to which the said Sub-Paragraph I applies, the first fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, the first eight thousand rupees,

of the total income but without being liable to tax), only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows :—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income :

Provided that in a case referred to in the said Sub-Paragraph II, for the purpose of determining the amount of income tax in accordance with its sub-clause, the provisions of clause (ii) of the proviso below Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(ii) the net agricultural income shall be increased,—

(A) in a case to which the said Sub-Paragraph I applies, by a sum of fifteen thousand rupees; and

(B) in a case to which the said Sub-Paragraph II applies, by a sum of eight thousand rupees, and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in Sub-Paragraph I or; as the case may be, Sub-Paragraph II of the said Paragraph A as if the net agricultural income as so increased were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax in accordance with the sub-clause, the provisions of clause (ii) of the proviso below the said-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) :

Provided that in a case referred to in the said Sub-Paragraph II, where the sum so arrived at exceeds sixty per cent. of the amount by which the total income exceeds twelve thousand rupees, the excess shall be disregarded;

(iv) the amount of income-tax determined in accordance with sub-clause (iii) shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax and the sum so arrived at shall be the income-tax in respect of the total income.

(3) In cases to which the provisions of Chapter XII or section 164 or section 164A or section 167A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be.

(4) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(5) Subject to the provisions of sub-section (6), in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80 E of the said Act from any payment referred to in the sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule :

Provided that in cases to which the provisions of Chapter XII or Chapter XIIA or section 164 or section 164A or section 167A of the income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be :

Provided further that an assessee, being a company, may, in lieu of payment of one-half of the amount of surcharge on income-tax at the rate specified in Paragraph E or Part III of the First Schedule, make a deposit under the scheme framed under sub-section (7) before the last instalment of "advance tax" is due in its case, and where it does so, the surcharge on income-tax payable by it shall be reduced,—

(i) in a case where the amount of the deposit so made is equal to or exceeds, one-half of the amount of surcharge on income-tax payable by it, by one-half of the amount of surcharge payable by it; and

(ii) in a case where the amount of the deposit so made falls short of one-half of the amount of surcharge on income-tax payable by it, by the amount of the deposit.

(6) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provisions of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding six hundred rupees, in addition to total income and the total income exceeds,—

(i) in a case to which the said Sub-Paragraph I applies, fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, twelve thousand rupees,

then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the Income-tax Act or in charging income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) (that is to say, as if the net agricultural income were comprised in the total income after,—

(i) in a case to which the said Sub-Paragraph I applies, the first fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, the first eight thousand rupees, of the total income but without being liable to tax), only for the purpose of calculating, charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income; and

(b) such income-tax or, as the case may be, "advance tax" shall be so calculated, charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax or "advance tax" in accordance with this sub-clause, the provisions of clause (ii) of the proviso below the said Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II, shall not apply;

(ii) the net agricultural income shall be increased,—

(A) in a case to which the said Sub-Paragraph I applies, by a sum of fifteen thousand rupees; and

(B) in a case to which the said Sub-Paragraph II applies, by a sum of eight thousand rupees, and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Sub-Paragraph I or, as the case may be, the said Sub-Paragraph II, as if the net agricultural income as so increased were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax or "advance tax" in accordance with this sub-clause, the provisions of clause (ii) of the proviso below the said Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(iii) the amount of income-tax or "advance tax" determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (ii):

Provided that in a case referred to in the said Sub-Paragraph II, where the sum so arrived at exceeds sixty per cent. of the amount by which the total income exceeds twelve thousand rupees, the excess shall be disregarded;

(iv) the amount of income-tax or "advance tax" determined in accordance with sub-clause (iii) shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and one-half per cent. of such income-tax or, as the case may be, "advance tax" and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income.

(7) Where an assessee, being a company, makes, during the financial year commencing on the 1st day of April, 1983, any deposit with the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (18 of 1964) under any such scheme as the Central Government may, by notification in the Official Gazette, frame in this behalf, then the surcharge on income-tax payable by the company for the assessment year commencing on the 1st day of April, 1984 shall be reduced —

(i) in a case where the amount of the deposit so made is equal to, or exceeds, one-half of the amount of surcharge on income-tax payable by it, by one-half of the amount of surcharge payable by it; end

(ii) in a case where the amount of the deposit so made falls short of one-half of the amount of surcharge on income-tax payable by it, by the amount of the deposit.

(8) For the purposes of this section and the First Schedule,—

(a) “company in which the public are substantially interested” means a company which is such a company as is referred to in section 108 of the Income-tax Act;

(b) “domestic company” means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1983, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;

(c) “industrial company” means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining.

Explanation.—For the purposes of this clause, a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty-one per cent. of such total income:

Provided that this clause shall not apply for the purposes of Paragraph E of Part III of the First Schedule, and for the purposes of that Paragraph, the expression “industrial company” shall have the meaning assigned to it in the Explanation at the end of that Paragraph ;

(d) “insurance commission” means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance) ;

(e) “net agricultural income”, in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule ;

(f) "tax-free security", means any security of the Central Government issued or declared to be income-tax free, or any security of a State Government issued income-tax free, the income-tax whereon is payable by the State Government ;

(g) all other words and expressions used in this section or in the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

CHAPTER III

DIRECT TAXES

Income-tax

3. *Amendment of section 2.*—In section 2 of the Income-tax Act,—

(a) in clause (15), the words "not involving the carrying on of any activity for profit" shall be omitted with effect from the 1st day of April, 1984 ;

(b) in clause (18), in sub-clause (b), for item (B), the following item shall be substituted with effect from the 2nd day of April, 1983, namely :—

'(B) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by—

(a) the Government, or

(b) a corporation established by a Central, State or Provincial Act, or

(c) any company to which this clause applies or any subsidiary company of such company where such subsidiary company fulfils the conditions laid down in clause (b) of section 108.

Explanation.—In its application to an Indian company whose business consists mainly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, item (B) shall have effect as if for the words "not less than fifty per cent.", the words "not less than forty per cent " had been substituted ;".

4. *Amendment of section 9.*—In section 9 of the Income-tax Act, in sub-section (1),—

(a) in clause (i), in the Explanation, after clause (b), the following clause shall be inserted and shall be deemed always to have been inserted, namely :—

"(c) in the case of a non-resident, being a person engaged in the business of running a news agency or of publishing newspapers, magazines or journals, no income shall be deemed to accrue or arise in India to him through or from activities which are confined to the collection of news and views in India for transmission out of India ;";

(b) to clause (ii), the following Explanation shall be added and shall be deemed to have been added with effect from the 1st day of April, 1979, namely :—

“Explanation.—For the removal of doubts, it is hereby declared that income of the nature referred to in this clause payable for service rendered in India shall be regarded as income earned in India ;”

5. *Amendment of section 10.*—In section 10 of the Income-tax Act,—

(a) after clause (6), the following clause shall be inserted with effect from the 1st day of April, 1984, namely :—

“(6A) where in the case of a foreign company deriving income by way of royalty or fees for technical services received from Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or the Indian concern after the 31st day of March 1976 and approved by the Central Government, the tax on such income is payable, under the terms of such agreement, by Government or the Indian concern to the Central Government, the tax so paid.

Explanation —For the purposes of this clause,—

(a) “fees for technical services” shall have the same meaning as in Explanation 2 to clause (vii) of sub-section (1) of section 9 ;

(b) “foreign company” shall have the same meaning as in section 80B ;

(c) “royalty” shall have the same meaning as in

Explanation 2 to clause (vi) of sub-section (1) of section 9 ;

(b) in clause (10),—

(i) for the words “thirty thousand rupees”, at the three places where they occur, the words “thirty-six thousand rupees” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1982 ;—

(ii) after the provisos and before the *Explanation*, the following provisos shall be inserted and shall be deemed to have been inserted with effects from the 1st day of April, 1982, namely :—

“Provided also that the Central Government may, having regard to the maximum amount which may for the time being be exempt under sub-clause (i), increase, by notification in the Official Gazette, the limit of thirty-six thousand rupees, for all the three purposes for which it has been mentioned in the foregoing provisions of this clause, upto such maximum amount :

Provided also that in relation to cases in which the event (that is to say, retirement of the employee or his becoming incapacitated or termination of his employment or his death, as the case may be) on which gratuity is received had taken place before the 31st day of January, 1982, the proviso immediately preceding this proviso shall not apply and the remaining provisions of this clause shall have effect as if for the words “thirty-six thousand rupees”, at the three places where they occur, the words “thirty thousand rupees” had been substituted.”;

(c) in clause (15),—

(i) in sub-clause (iib) [directed to be inserted by clause (d) of section 4 of the Finance Act, 1982, (14 of 1982.)] for the words “interest on such Capital Investment Bonds”, the words “in the case of an individual or a Hindu undivided family, interest on such Capital Investment Bonds” shall be substituted;

(ii) in sub-clause (iv),—

(1) for item (a), the following item shall be substituted, namely :—

“(a) by Government or a local authority on moneys borrowed by it from, or debts owed by it to, sources outside India;”;

(2) in item (c),—

(A) after the words “raw materials”, the words “or components” shall be inserted;

(B) the following Explanation shall be inserted at the end, namely :—

Explanation.—For the purposes of this item, “purchase of capital plant and machinery” includes the purchase of such capital plant and machinery under a hire-purchase agreement or a lease agreement with an option to purchase such plant and machinery;”;

(3) in item (d), after the words and figures “Industrial Development Bank of India Act, 1964 (18 of 1964)”, the words and figures “or the Export-Import Bank of India established under the Export-Import Bank of India Act, 1981 (28 of 1981)”, shall be inserted ;

(4) after item (f) and before the Explanation, the following item shall be inserted, namely :—

“(g) by a public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes, being a company approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36, on any moneys borrowed by it in foreign currency from sources outside India under a loan agreement approved by the Central Government, to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan and its repayment.” ;

(5) in the Explanation, for the words “this item”, the words, brackets and letters “items (f) and (g)” shall be substituted ;

(d) in clause (21), the following proviso shall be inserted at the end with effect from the 1st day of April, 1984, namely :—

“Provided that nothing contained in this clause shall apply if for any period during the previous year—

(i) any sums by way of contributions received by the association are invested or deposited after the 28th day of February, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11; or

(ii) any funds of the association invested or deposited before the 1st day of March, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 continue to remain so invested or deposited after the 30th day of November, 1983; or

(iii) any shares in a company (not being a Government company as defined in section 617 of the Companies Act, 1956 (Act, 1956) or a corporation established by or under a Central, State or Provincial Act) are held by the association after the 30th day of November, 1983;”;

(e) in clause (26A),—

(i) for the figures, letters and words “1st day of April, 1983”, the figures, letters and words “1st day of April, 1986” shall be substituted;

(ii) the *Explanation* shall be numbered and shall be deemed to have been numbered with effect from the 1st day of April, 1980 as *Explanation 1* and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1980 namely :—

“*Explanation 2.*—In this clause, references to the district of Ladakh shall be construed as references to the areas comprised in the said district on the 30th day of June, 1979 ;”.

6. *Amendment of section 11.*—In section 11 of the Income-tax Act,—

(a) in sub-section (2), for clause (b), the following clause shall be substituted, namely :—

“(b) the money so accumulated or set apart is invested or deposited in the forms or modes specified in sub-section (5).”.

(b) after sub-section (4), the following sub-section shall be inserted with effect from the 1st day of April, 1984, namely :—

“(4A) Sub-section (1) or sub-section (2) or sub-section (3) or sub-section (3A) shall not apply in relation to any income, being profits and gains of business, unless—

(a) the business is carried on by a trust wholly for public religious purposes and the business consists of printing and publication of books or is of a kind notified by the Central Government in this behalf in the Official Gazette; or

(b) the business is carried on by an institution wholly for charitable purposes and the work in connection with the business is mainly carried on by the beneficiaries of the institution, and separate books of account are maintained by the trust or institution in respect of such business.”;

(c) after sub-section (4), the following sub-section shall be inserted, namely :—

“(5) The forms and modes of investing or depositing the money referred to in clause (b) of sub-section (2) shall be the following, namely:—

(i) investment in savings certificates as defined in clause (c) of section 2 of the Government Savings Certificates Act, 1959, (46 of 1959) and any other securities or certificates issued by the Central Government under the Small Savings Schemes of that Government ;

(ii) deposit in any account with the Post Office Savings Bank ;

(iii) deposit in any account with a scheduled bank or a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank).

Explanation—In this clause, “scheduled bank” means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings)

Act, 1980 (40 of 1980), or any other bank being a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(iv) investment in units of the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963);

(v) investment in any security for money created and issued by the Central Government or a State Government;

(vi) investment in debentures issued by, or on behalf of, any company or corporation both the principal whereof and the interest whereon are fully and unconditionally guaranteed by the Central Government or by a State Government;

(vii) investment or deposit in any Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);

(viii) deposits with or investment in any bonds issued by a financial corporation which is engaged in providing long-term finance for industrial development in India and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36;

(ix) deposits with or investment in any bonds issued by a public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36;

(x) investment in immovable property.

Explanation.—"Immovable property" does not include any machinery or plant (other than machinery or plant installed in a building for the convenient occupation of the building) even though attached to, or permanently fastened to anything attached to, the earth.

7. *Amendment of section 13.*—In section 13 of the Income-tax Act,—

(a) in sub-section (1),—

(i) clause (bb) shall be omitted with effect from the 1st day of April, 1984;

(ii) for clause (d), the following clause shall be substituted, namely:—

"(d) in the case of a trust for charitable or religious purposes or a charitable or religious institution, any income thereof, if for any period during the previous year—

(i) any funds of the trust or institution are invested or deposited after the 28th day of February, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11; or

(ii) any funds of the trust or institution invested or deposited before the 1st day of March, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 continue to remain so invested or deposited after the 30th day of November, 1983; or

(iii) any shares in a company (not being a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956.) or a corporation established by or under a Central, State or Provincial Act) are held by the trust or institution after the 30th day of November, 1983 :

Provided that nothing in this clause shall apply in relation to—

(i) any assets held by the trust or institution where such assets form part of the corpus of the trust or institution as on the 1st day of June, 1973 and such assets were not purchased by the trust or institution or acquired by it by conversion of, or in exchange for, any other asset;

(ii) any assets (being debentures issued by, or on behalf of any company or corporation) acquired by the trust or institution before the 1st day of March, 1983;

(iii) any funds representing the profits and gains of business; being profits and gains of any previous year relevant to the assessment year commencing on the 1st day of April, 1984 or any subsequent assessment year.

Explanation.—Where the trust or institution has any other income in addition to profits and gains of business, the provisions of clause (iii) of this proviso shall not apply unless the trust or institution maintains separate books of account in respect of such business.”;

(b) in sub-section (2), in the opening portion, for the words, brackets and letter “provisions of clause (c)” the words, brackets and letters “provisions of clause (c) and clause (d)” shall be substituted;

(c) in sub-section (4), in the opening portion, for the words, “in a case where”, the words, brackets and letter “but without prejudice to the provisions contained in clause (d) of that sub-section, in a case where” shall be substituted;

(d) sub-sections (5) and (6) shall be omitted.

8. *Amendment of section 16.*—In section 16 of the Income-tax Act, in clause (i), for the words “five thousand rupees”, the words “six thousand rupees” shall be substituted with effect from the 1st day of April, 1984.

9. *Amendment of section 24.*—In section 24 of the Income-tax Act, in sub-section (1), to clause (vi) the following *Explanation* shall be added with effect from the 1st day of April, 1984, namely:—

Explanation — Where the property has been acquired or constructed with borrowed capital, the interest, if any, payable on such capital for the period prior to the previous year in which the property has been acquired or constructed, as reduced by any part thereof allowed as a deduction under any other provision of this Act, shall be deducted under this clause in equal instalments for the said previous year and for each of the four immediately succeeding previous years;”.

10. *Amendment of section 32.*—In section 32 of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

(a) in clause (ii), in the first proviso, for the words “seven hundred and fifty rupees”, the words “five thousand rupees” shall be substituted.

(b) in clause (iv), the words, brackets and figures "but any such sum shall not be deductible in determining the written down value for the purposes of clause (ii) of sub-section (1);" shall be omitted;

(c) in clause (v), the words, brackets and figures "but any such sum shall not be deductible in determining the written down value for the purposes of clause (ii);" shall be omitted;

11. *Amendment of section 32A.*—In section 32A of the Income-tax Act,—

(a) in sub-section (2),—

(i) after clause (b) and before the *Explanation*, the following clause shall be inserted with effect from the 1st day of April, 1984, namely:—

"(c) any new machinery or plant installed after the 31st day of March, 1983, but before the 1st day of April, 1988, for the purposes of business of repairs to ocean-going vessels or other powered craft if the business is carried on by an Indian company and the business so carried on is for the time being approved for the purposes of this clause by the Central Government.";

(ii) in the *Explanation*, for the words, brackets, figures and letter "this sub-section and sub-sections (2B) and (4)", the words, brackets, figures and letters "this sub-section and sub-sections (2B), (2C) and (4)" shall be substituted with effect from the 1st day of June, 1983;

(b) after sub-section (2B), the following sub-section shall be inserted with effect from the 1st day of June, 1983, namely:—

"(2C) Where any new machinery or plant, being machinery or plant which would assist in control of pollution or protection of environment and which has been notified in this behalf by the Central Government in the Official Gazette is installed after the 31st day of May, 1983 in any industrial undertaking referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) of sub-section (2), the provisions of sub-section (1) shall have effect in relation to such machinery or plant as if for the words "twenty-five per cent.", the words "thirty-five per cent." had been substituted."

12. *Amendment of section 35.*—In section 35 of the Income-tax Act, in sub-section (2A), after the words "pays any sum", the brackets and words "(being any sum paid with a specific direction that the sum shall not be used for the acquisition of any land or building or construction of any building)" shall be inserted with effect from the 1st day of April 1984.

13. *Amendment of section 35B.*—In section 35B of the Income-tax Act, in sub-section (1) in clause (a), after the words, figures and letters "but before the 1st day of March, 1983" shall be inserted.

14. *Amendment of section 35C.*—In section 35C of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

(a) in clause (a), the words "a sum equal to one and one-fifth times" shall be omitted;

(b) in the *Explanation*, for the words "expenditure with reference to which deduction under this section is to be allowed", the words

"expenditure which is to be allowed as deduction under this section" shall be substituted.

15. *Amendment of section 35CC.*—In section 35CC of the Income-tax Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely :—

"Provided further that the prescribed authority shall not approve any programme unless such programme is a programme falling within any such class or category of programmes of rural development as may be specified by the Central Government in this behalf."

16. *Amendment of section 35CCA.*—In section 35CCA of the Income-tax Act,—

(a) in sub-section (1),—

(i) in clause (b), the word "or" shall be added at the end ;

(ii) after clause (b), the following clause shall be inserted, namely :—

"(c) to a rural development fund set up and notified by the Central Government in this behalf,";

(b) for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) The deduction under clause (a) of sub-section (1) shall not be allowed in respect of expenditure by way of payment of any association or institution referred to in the said clause unless the assessee furnishes a certificate from such association or institution to the effect that—

(a) the programme of rural development had been approved by the prescribed authority before the 1st day of March, 1983 ; and

(b) where such payment is made after the 28th day of February, 1983, such programme involves work by way of construction of any building or other structure (whether for use as a dispensary, school, training or welfare centre, workshop or for any other purpose) or the laying of any road or the construction or boring of a well or tube-well or the installation of any plant or machinery, and such work has commenced before the 1st day of March, 1983.

(2A) The deduction under clause (b) of sub-section (1) shall not be allowed in respect of expenditure by way of payment of any sum to any association or institution unless the assessee furnishes a certificate from such association or institution to the effect that—

(a) the prescribed authority had approved the association or institution before the 1st day of March, 1983 ; and

(b) the training of persons for implementing any programme of rural development had been started by the association or institution before the 1st day of March, 1983.

(2B) No certificate of the nature referred to in sub-section (2) or sub-section (2A) shall be issued by any association or institution unless such association or institution has obtained from the prescribed authority authorisation in writing to issue certificates of such nature."

17. *Amendment of section 37.*—In sub-section 37 of the Income-tax Act,—

(a) in sub-section (2A),—

(i) for clauses (iii) and (iv), the following shall be substituted with effect from the 1st day of April, 1984, namely :—

“(iii) on the balance of the profits and gains of the business or profession (computed in the manner aforesaid) so, however, that the allowance shall in no case exceed Rs. 50,000.”; (at the rate of 1/8 per cent.).

(ii) the Explanation shall be numbered and shall be deemed to have been numbered with effect from the 1st day of April, 1976 as Explanation 1 and after Explanation 1 as so numbered, the following Explanation shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely :—

‘Explanation 2.—For the removal of doubts, it is hereby declared that for the purposes of this sub-section and sub-section (2B), as it stood before the 1st day of April, 1977, “entertainment expenditure” includes expenditure on provision of hospitality of every kind by the assessee to any person, whether by way of provision of food or beverages or in any other manner whatsoever and whether or not such provision is made by reason of any express or implied contract or custom or usage of trade, but does not include expenditure on food or beverages provided by the assessee to his employees in office, factory or other place of their work.’;

(b) after sub-section (3), the following sub-sections shall be inserted with effect from the 1st day of April, 1984, namely :—

“(3A) Notwithstanding anything contained in sub-sections (1), where the expenditure or, as the case may be, the aggregate expenditure incurred by an assessee on any one or more of the items specified in sub-section (3B) exceeds one hundred thousand rupees, twenty per cent. of such excess shall not be allowed as deduction in computing the income chargeable under the head “Profits and gains of business or profession”.

(3B) The expenditure referred to in sub-section (3A) is that incurred on—

- (i) advertisement, publicity and sales promotion ; or
- (ii) running and maintenance of aircraft and motor cars ; or
- (iii) payments made to hotels.

Explanation.—For the purposes of sub-sections (3A) and (3B),—

(a) the expenditure specified in clause (i) to clause (iii) of sub-section (3B) shall be the aggregate amount of expenditure incurred by the assessee as reduced by so much of such expenditure as is not allowed under any other provision of this Act ;

(b) expenditure on advertisement, publicity and sales promotion shall not include remuneration paid to employees of the assessee engaged in one or more of the said activities ;

(c) expenditure on running and maintenance of aircraft and motor cars shall include,—

(i) expenditure incurred on chartering any aircraft and expenditure on hire charges for engaging cars plied for hire ;

(ii) conveyance allowance paid to employees and, where the assessee is a company, conveyance allowance paid to its directors also.

(3C) Nothing contained in sub-section (3A) shall apply in respect of expenditure incurred by an assessee, being a domestic company as

defined in clause (2) of section 80B, or a person (other than a company) who is resident in India in respect of expenditure incurred wholly and exclusively on—

(i) advertisement, publicity and sales promotion outside India in respect of the goods, services or facilities which the assessee deals in or provides in the course of his business ;

(ii) running and maintenance of motor cars in any branch, office or agency maintained outside India for the promotion of the sale outside India of such goods, services or facilities.

(3D) No disallowance under sub-section (3A) shall be made—

(i) in the case of an assessee engaged in the business of operation of aircraft, in respect of expenditure incurred on running and maintenance of such aircraft ;

(ii) in the case of an assessee engaged in the business of running motor cars on hire, in respect of expenditure incurred in running and maintenance of such motor cars ;

(c) after sub-section (4), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1979, namely :—

“(5) For the removal of doubts, it is hereby declared that any accommodation, by whatever name called, maintained, hired, reserved or otherwise arranged by the assessee for the purpose of providing lodging or boarding and lodging to any person (including any employee or, where the assessee is a company, also any director of, or the holder of any other office in, the company) on tour or visit to the place at which such accommodation is situated, is accommodation in the nature of a guest house within the meaning of sub-section (4).”

18. *Insertion of new section 43B*—In the Income-tax Act, after section 43A, the following section shall be inserted with effect from the 1st day of April, 1984, namely :—

“43B. *Certain deductions to be only on actual payment.*—Notwithstanding anything contained in any other provision of this Act, a deduction otherwise allowable under this Act in respect of—

(a) any sum payable by the assessee by way of tax or duty under any law for the time being in force, or

(b) any sum payable by the assessee as an employer by way of contribution to any provident fund or superannuation fund or gratuity fund or any other fund for the welfare of employees,

shall be allowed (irrespective of the previous year in which the liability to pay such sum was incurred by the assessee according to the method of accounting regularly employed by him) only in computing the income referred to in section 28 of that previous year in which such sum is actually paid by him.

Explanation.—For the removal of doubts, it is hereby declared that where a deduction in respect of any sum referred to in clause (a) or clause (b) of this section is allowed in computing the income referred to in section 28 of the previous year (being a previous year relevant to the assessment year commencing on the 1st day of April, 1983 or any earlier assessment year) in which the liability to pay such sum was

incurred by the assess, the assessee shall not be entitled to any deduction under this section in respect of such sum in computing the income of the previous year in which the sum is actually paid by him."

19. *Amendment of section 44D.*—In section 44D of the Income-tax Act, with effect from the 1st day of June, 1983,—

(a) in clauses (a) and (b), for the portion beginning with the words "from an Indian concern" and ending with the words "with the Indian concern", the following shall be substituted, namely:—

"from Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or with the Indian concern";

(b) after clause (b) and before the Explanation, the following clause shall be inserted, namely:—

"(c) no deduction in respect of any expenditure or allowance shall be allowed under any of the said sections in computing income by way of interest received from Government or an Indian concern on moneys borrowed or debt incurred by the Government or the Indian concern in foreign currency.";

(c) in the Explanation, in clause (d), for the portion beginning with the words "from an Indian concern" and ending with the words "with the Indian concern", the following shall be substituted, namely:—

"from Government or an Indian concern in pursuance of an agreement made by a foreign company with Government or the Indian concern".

20. *Amendment of section 54E.*—In section 54E of the Income-tax Act,—

(a) in sub-section (1),—

(i) after clause (b) and before Explanation 1, the following proviso shall be inserted, namely:—

"Provided that in a case where the original asset is transferred after the 28th day of February, 1983, the provisions of this sub-section shall not apply unless the assessee has invested or deposited the whole or as the case may be any part of the net consideration in the new asset by initially subscribing to such new asset.";

(ii) in *Explanation 1*,—

(A) in clause (b), after the words, figures and letters "after the 28th day of February, 1979", the words, figures and letters "but before the 1st day of March, 1983" shall be inserted;

(B) after clause (b), the following clause shall be inserted, namely:—

"(c) in a case where the original asset is transferred after the 28th day of February, 1983, any of the following assets, namely:—

(i) securities of the Central Government which that Government may, by notification in the Official Gazette, specify in this behalf;

(ii) special series of units of the Unit Trust of India established under the Unit Trust of India Act, 1983 (52 of 1963) which the Central Government may, by notification in the Official Gazette, specify in this behalf;

(iii) such National Rural Development Bonds as have been notified under clause (b) of *Explanation 1* or as may be notified in this behalf under this clause by the Central Government;

(iv) such debentures issued by the Housing and Urban Development Corporation Limited (a 'Government' company as defined in section 617 of the Companies Act, 1956 (1 of 1956)), as the Central Government may, by notification in the Official Gazette, specify in this behalf.";

(b) in sub-section (2), the *Explanation* shall be numbered as *Explanation 1* and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation 2.*—In a case where the original asset is transferred after the 28th day of February, 1983 and the assessee invests the whole or any part of the net consideration in respect of the original asset in any new asset and such assessee takes any loan or advance on the security of such new asset, he shall be deemed to have converted (otherwise than by transfer) such new asset on the date on which such loan or advance is taken.";

(c) in sub-section (3), in the *Explanation*, in clause (iia), after sub-clause (b), the following sub-clause shall be inserted, namely:—

"(c) in relation to any additional compensation or additional consideration received after the 28th day of February, 1983, in any of the assets referred to in clause (c) of *Explanation 1* below sub-section (1) by way of initial subscription thereto;"

21. *Amendment of section 80C.*—In section 80C of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (2),—

(i) for clause (b) (occurring before the *Explanation*), the following clause shall be substituted, namely :—

"(b) where the assessee is a Hindu undivided family,—

(i) any sums paid in the previous year by the assessee out of its income chargeable to tax—

(1) to effect or to keep in force an insurance on the life of any member of the family; or

(2) as a contribution to any provident fund referred to in sub-clause (iv) of clause (a), where such contribution is to an account standing in the name of any member of the family; or

(ii) any sums deposited in the previous year by the assessee out of its income chargeable to tax in a ten year account or a fifteen-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959, as amended from time to time, where such sums are deposited in an account standing in the name of any member of the family.";

(ii) in the *Explanation* below clause (b), for the word, brackets and letter "clause (b)", the words, brackets, figure and letter "sub-clause (i) of clause (b)" shall be substituted;

(b) in sub-section (4), for clauses (i) to (iv), the following clauses shall be substituted, namely :—

"(i) in the case of an individual, being an author, playwright, artist, musician, actor or sportsman (including an athlete), sixty thousand rupees;

(ii) in the case of any other individual or a Hindu undivided family or any such association of persons or a body of individuals as is referred to in clause (g) of sub-section (2), forty thousand rupees.”

22. Amendment of section 80GG.—In section 80GG of the Income-tax Act, for the proviso, the following proviso shall be substituted with effect from the 1st day of April, 1984, namely :—

“Provided that nothing in this section shall apply to an assessee in any case where any residential accommodation is,—

(i) owned by the assessee or by his spouse or minor child or, where such assessee is a member of a Hindu undivided family, by such family, at the place where he ordinarily resides or performs duties of his office or employment or carries on his business or profession; or

(ii) owned by the assessee at any other place, being accommodation in the occupation of the assessee, the value of which is to be determined under clause (i) or, as the case may be, clause (ii) of sub-section (2) of section 23.”

23. Amendment of section 80GGA.—In section 80GGA of the Income-tax Act, in sub-section (2),—

(a) in clause (b), for the proviso, the following proviso shall be substituted, namely :—

“Provided that the assessee furnishes the certificate referred to in sub-section (2) or, as the case may be, sub-section (2A) of section 35CCA from such association or institution.”;

(b) after clause (c), the following clause shall be inserted, namely :—

“(d) any sum paid by the assessee in the previous year to a rural development fund set up and notified by the Central Government for the purposes of clause (c) of sub-section (1) of section 35CCA.”.

24. Insertion of new section 80HHC.—In the Income-tax Act, after section 80HBB (directed to be inserted by section 18 of the Finance Act, 1982), the following section shall be inserted, namely :—

“**80HHC. Deduction in respect of export turnover.**—(1) Where the assessee, being an Indian company or a person (other than a company) who is resident in India, exports out of India during the previous year relevant to an assessment year goods or merchandise to which this section applies, there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee, the following deductions, namely :—

(a) a deduction of an amount equal to one per cent. of the export turnover of such goods or merchandise during the previous year; and

(b) a deduction of an amount equal to five per cent. of the amount by which the export turnover of such goods or merchandise during the previous year exceeds turnover of such goods or merchandise during the immediately preceding previous year.

(2) (a) This section applies to all goods or merchandise [other than those specified in clause (b)] if the sale proceeds of such goods or merchandise exported out of India are receivable by the assessee in convertible foreign exchange.

(b) The goods or merchandise referred to in clause (a) are the following, namely :—

(i) agricultural primary commodities, not being produce of plantations ;

(ii) mineral oil ;

(iii) minerals and ores; and

(iv) such other goods or merchandise as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) No deduction under clause (b) of sub-section (1) shall be allowed unless the assessee had, during the immediately preceding previous year, exported out of India goods or merchandise to which this section applies

Explanation.—For the purposes of this section,—

(a) “convertible foreign exchange” means foreign exchange which is for the time being treated by the Reserve Bank of India as convertible foreign exchange for the purposes of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and any rules made thereunder;

(b) “export turnover” means the sale proceeds of any goods or merchandise exported out of India, but does not include freight or insurance attributable to the transport of the goods or merchandise beyond the customs station as defined in the Customs Act, 1962 (52 of 1962.)

25 *Amendment of section 80-I.*—In section 80-I of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (1),—

(i) in the opening portion, after the words “business of a hotel”, the words “or the business of repairs to ocean-going vessels or other powered craft” shall inserted;

(ii) in the proviso, for the words “shall have effect” the words “shall have effect in relation to profits and gains derived from an industrial undertaking or a ship or the business of a hotel” shall be substituted;

(b) after sub section (4), the following sub-section shall be inserted namely :—

“(4A) This section applies to the business of repairs to ocean-going vessels or other powered craft which fulfils all the following conditions, namely :—

(i) the business is not formed by the splitting up, or the reconstruction, of a business already in existence ;

(ii) it is not formed by the transfer to a new business of machinery or plant previously used for any purpose ;

(iii) it is carried on by an Indian company and the work by way of repairs to ocean-going vessels or other powered craft has been commenced by such company after the 31st day of March, 1983 but before the 1st day of April, 1988 ; and

(iv) it is for the time being approved for the purpose of this sub-section by the Central Government,” ;

(c) in sub-section (5),—

(i) in the opening portion, after the words "hotel starts functioning", the words "or the company commences work by way of repairs to ocean-going vessels or other powered craft" shall be inserted;

(ii) after the proviso, the following proviso shall be inserted, namely :—

'Provided further that in the case of an assessee carrying on the business of repairs to ocean-going vessels or other powered craft, the provisions of this sub-section shall have effect as if for the words "seven assessment years", the words "four assessment years" had been substituted.';

(d) in sub-section (6), after the word "hotel", at both the places where it occurs, the words "or the business of repairs to ocean going vessels or other powered craft" shall be inserted;

(e) in sub-section (8), after the words "operation of the ship," wherever they occur, the words "or the business of repairs to ocean-going vessels or other powered craft shall be inserted;

(f) in sub-section (9), after the word "ship", wherever it occurs, the words "or the business of repairs to ocean-going vessels or other powered craft" shall be inserted.

26. Amendment of section 80JJ.—In section 80JJ of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in clause (b), for the word "one-fifth," the words "fifteen per cent." shall be substituted;

(b) in the proviso, for the words "seventy-five thousand rupees," the words "one hundred thousand rupees" shall be substituted.

27. Omission of section 80JJA.—Section 80 JJA of the Income-tax Act shall be omitted with effect from the 1st day of April, 1984.

28. Amendment of section 80L.—In section 80L of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

(a) after clause (vi), the following clause shall be inserted, namely—

"(via) interest on deposits with any such bank, not being a banking company or a co-operative society referred to in clause (vi) but being a bank established by or under any law made by Parliament, as may be approved by the Central Government for the purposes of this clause;"

(b) for the portion beginning with the words "a deduction as specified hereunder" and ending with the words "shall not exceed two thousand rupees" (directed to be substituted by section 19 of the Finance Act, 1982, (14 of 1982) the following shall be substituted namely :—

"a deduction as specified hereunder, namely :—

(1) in a case where the amount of such income does not exceed in the aggregate seven thousand rupees, the whole of such amount ; and

(2) in any other case, seven thousand rupees".

29. *Omission of section 80MM.*—Section 80MM of the Income-tax Act shall be omitted with effect from the 1st day of April, 1984.

30. *Amendment of section 80P.*—In section 80P of the Income-tax Act, in sub-section (2), for clause (b), the following clause shall be substituted with effect from the 1st day of April, 1984, namely :—

“(b) in the case of a co-operative society, being a primary society engaged in supplying milk, oilseeds, fruits or vegetables raised or grown by its members to—

(i) a federal co-operative society, being a society engaged in the business of supplying milk, oilseeds, fruits or vegetables, as the case may be; or

(ii) the Government or a local authority; or

(iii) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) or a corporation established by or under a Central, State or Provincial Act (being a company or corporation engaged in supplying milk, oilseeds, fruits or vegetables, as the case may be, to the public).

the whole of the amount of profits and gains of such business ;”.

31. *Amendment of section 80R.*—In section 80R of the Income-tax Act, for the words “such other association or body established outside India as may be notified in this behalf by the Central Government in the Official Gazette”, the words “any other association or body established outside India” shall be substituted with effect from the 1st day of April, 1984.

32. *Insertion of new Chapter VIB*—In the Income-tax Act, after Chapter VIA, the following Chapter shall be inserted with effect from the 1st day of April, 1984, namely :—

“CHAPTER VIB

RESTRICTION ON CERTAIN DEDUCTIONS IN THE CASE OF COMPANIES

83VVA. *Restriction on certain deductions in the case of companies.*—(1) Notwithstanding anything contained in any other provision of this Act, where in the case of an assessee being a company, the amount or, as the case may be, the aggregate amount which, but for the provisions of this section, would have been admissible as deduction for any assessment year under any one or more of the provisions of this Act specified in sub-section (2) exceeds seventy per cent. of the amount of total income as computed had no deduction been allowed under any of the said provisions (such total income being hereinafter referred to as the pre-incentive total income), the amount or, as the case may be, the aggregate amount to be allowed as deduction for that year in respect of any one or more of the said provisions shall be restricted, in the manner specified in sub-section (3), to seventy per cent. of the pre-incentive total income.

(2) The provisions referred to in sub-section (1) shall be the following, namely :—

(i) clause (iii) of sub-section (1) of section 35 ;

(ii) clause (ia) of sub-section (2) of section 35 ;

(iii) sub-section (2A) of section 35, to the extent to which the

deduction under the said sub-section exceeds the sum paid by the assessee ;

(iv) sub-section (2B) of section 35, to the extent to which the deduction under the said sub-section exceeds the expenditure incurred by the assessee ;

(v) section 35C ;

(vi) section 35CC ;

(vii) section 35CCA ;

(viii) section 35-CCB ;

(ix) clause (ii) of sub-section (2) of section 33 ;

(x) clause (ii) of sub-section (2) of section 33A ;

(xi) sub-section (1), or, as the case may be, sub-section (1), read with clause (i) of sub-section (2) of section 33A ;

(xii) clause (ii) of sub-section (3) of section 32A ;

(xiii) sub-section (1), or, as the case may be, sub-section (1), read with clause (i) of sub-section 32A ;

(xiv) section 80G ;

(xv) clause (b) of sub-section (2) of section 80GGA ;

(xvi) clause (c) of sub-section (2) of section 80GGA ;

(xvii) section 80HH ;

(xviii) section 80HHA ;

(xix) section 80HHB ;

(xx) section 80HHC ;

(xxi) section 80-I ;

(xxii) section 80J ;

(xxiii) section 80JJ ;

(xxiv) section 80K ;

(xxv) section 80M ;

(xxvi) section 80N ;

(xxvii) section 80O ; and

(xxviii) section 80QQ.

(3) The deduction under the provisions specified in sub-section (2) shall, for the purposes of restricting under sub-section (1), the amount or, as the case may be, the aggregate amount of deduction, under those provisions, be allowed in the order in which the said provisions have been specified in sub-section (2), and accordingly—

(a) deduction shall first be allowed under the provision specified in clause (i) of sub-section (2); and

(b) if no deduction is allowable under the provision specified in the said clause (i) or the deduction allowable under that provision is less than seventy per cent. of the pre-incentive total income, deduction shall next be allowed under the provision specified in clause (ii) of sub-section (2); and

(c) if no deduction is allowable under the provision specified in the said clause (ii), or the deduction under that provision together with the deduction allowed under the provision referred to in the said clause (i), is less than seventy per cent. of the pre-incentive total income, deduction shall next be allowed under the provision specified

in clause (iii) of sub-section (2) and so on until the aggregate deduction so allowed is equal to seventy per cent. of the pre-incentive total income.

(4) To the extent to which full deduction cannot be allowed in the assessment year in respect of any provision specified in sub-section (2), by virtue only of the restriction under sub-section (1) (and not by virtue of anything contained in any other section), the amount remaining unallowed shall be added to the amount, if any, to be allowed to the assessee under the said provision for the next following assessment year and be deemed to be part of the deduction admissible to the assessee under the said provision for that year or, if no such deduction is admissible to the assessee for that year, be deemed to be the deduction admissible to the assessee for that year, and so on for succeeding assessment years.”.

33. *Omission of section 89A.*—Section 89A of the Income-tax Act shall be omitted.

34. *Amendment of section 109* —In section 109 of the Income-tax Act, in clause (ib), for the Explanation, the following shall be substituted with effect from the 1st day of April, 1984, namely :—

‘Explanation —In this clause and in sub-clause (3) of clause (iii) the expression “provision of technical know-how” means,—

(i) the transfer of all or any rights (including the grant of a licence) in respect of a patent, invention, model, design, secret formula or process or similar property ;

(ii) the imparting of any information concerning the working of, or the use of, a patent, invention, model, design, secret formula or process or similar property ;

(iii) the use of any patent, invention, model, design, secret formula or process or similar property ;

(iv) the imparting of any information concerning industrial, commercial or scientific knowledge, experience or skill;”.

35. *Amendment of section 115A.*—In section 115 of the Income-tax Act, in sub section (1), with effect from the 1st day of June, 1983,—

(a) after clause (a), the following clause shall be inserted, namely :—

“(aa) interest received from Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency ; or” ;

(b) for clause (b), the following clause shall be substituted, namely ;—

“(b) royalty or fees for technical services received from Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or the Indian concern after the 31st day of March, 1976, and where such agreement is with an Indian concern, such agreement is approved by the Central Government,” ;

(c) after clause (i), the following clause shall be inserted, namely :—

“(ia) the amount of income-tax calculated on the income by way of interest referred to in clause (aa), if any, included in the total income, at the rate of twenty-five per cent. ;” ;

(d) in clause (iv), for the words, brackets and letter "and clause (b)", the words, brackets and letters "clause (aa) and clause (b)" shall be substituted ;

(e) in the *Explanation*, after clause (b), the following clause shall be inserted, namely :—

"(bb) "foreign currency" shall have the same meaning as in the *Explanation* below item (g) of sub-clause (iv) of clause (15) of section 10 ;".

36. *Insertion of new Chapter XII-A.*—In the Income-tax Act, after Chapter XII, the following Chapter shall be inserted with effect from the 1st day of June, 1983, namely :—

'CHAPTER XII-A

SPECIAL PROVISIONS RELATING TO CERTAIN INCOMES OF NON-RESIDENTS

115C. *Definitions.*—In this Chapter, unless the context otherwise requires,—

(a) "convertible foreign exchange" means foreign exchange which is for the time being treated by the Reserve Bank of India as convertible foreign exchange for the purposes of the Foreign Exchange Regulation Act, 1973, and any rules made thereunder;

(b) "foreign exchange asset" means any specified asset which the assessee has acquired or purchased with, or subscribed to in, convertible foreign exchange ;

(c) "investment income" means any income derived from a foreign exchange asset ;

(d) "long-term capital gains" means income chargeable under the head "Capital gains" relating to a capital asset, being a foreign exchange asset which is not a short-term capital asset ;

(e) "non-resident India" means an individual, being a citizen of India or a person of Indian origin who is not a "resident".

Explanation.—A person shall be deemed to be of Indian origin if he, or either of his parents or any of his grand-parents, was born in undivided India ;

(f) "specified asset" means any of the following assets, namely :—

(i) shares in an Indian company ;

(ii) debentures issued by an Indian company which is not a private company as defined in the Companies Act, 1956 (1 of 1956) ;

(iii) deposits with an Indian company which is not a private company as defined in the Companies Act, 1956 (1 of 1956.) ;

(iv) any security of the Central Government as defined in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944.) ;

(v) such other assets as the Central Government may specify in this behalf by notification in the Official Gazette

115D *Special provision for computation of total income of non-residents.*—(1) No deduction in respect of any expenditure or allowance shall be allowed under any provision of this Act in computing the investment income of a non-resident Indian.

(2) Where in the case of an assessee, being a non-resident Indian—

(a) the gross total income consists only of investment income or income by way of long-term capital gains or both, no deduction shall be allowed to the assessee under Chapter VIA ;

(b) the gross total income includes any income referred to in clause (a), the gross total income shall be reduced by the amount of such income and the deductions under Chapter VIA shall be allowed as if the gross total income as so reduced were the gross total income of the assessee.

115E. Tax on investment income and long term capital gains.—(1) Where the total income of an assessee, being a non-resident Indian, consists only of investment income or income by way of long-term capital gains or both, the tax payable by him on his total income shall be the amount of income-tax calculated on such total income at the rate of twenty per cent. of such income as increased by a surcharge for purposes of the Union at the rate of twelve and a half per cent. of such income-tax.

(2) Where the total income of an assessee, being a non-resident Indian includes any income of the nature referred to in sub-section (1), the tax payable by him on his total income shall be—

(i) the aggregate of the income-tax and surcharge payable by him in accordance with the provisions of sub-section (1) on income of the nature referred to in that sub-section included in the total income ;
plus

(ii) the amount of income-tax chargeable on the total income as reduced by the amount of income of the nature referred to in sub-section (1), had the total income so reduced been his total income.

115F. Capital gains on transfer of foreign exchange assets not to be charged in certain cases.—(1) Where, in the case of an assessee being a non-resident Indian, any long-term capital gains arise from the transfer of a foreign exchange asset (the asset so transferred being hereafter in this section referred to as the original asset), and the assessee has, within a period of six months after the date of such transfer, invested or deposited the whole or any part of the net consideration in any specified asset or in an Account referred to in clause (4A), or in any savings certificates referred to in clause (4B), of section 10 (such specified asset or such deposit in the Account aforesaid or such savings certificates being hereafter in this section referred to as the new asset), the capital gain shall be dealt with in accordance with the following provisions of this section, that is to say,—

(a) if the cost of the new asset is not less than the net consideration in respect of the original asset, the whole of such capital gain shall not be charged under section 45;

(b) if the cost of the new asset is less than the net consideration in respect of the original asset, so much of the capital gain as bears to the whole of the capital gain the same proportion as the cost of acquisition of the new asset bears to the net consideration shall not be charged under section 45.

Explanation.—For the purposes of this sub-section,—

(i) "cost", in relation to any new asset, being a deposit referred to in clause (4A) of section 10 or referred to in sub-clause (iii), or specified under sub-clause (v), of clause (f) of section 115C, means the amount of such deposit;

(ii) "net consideration" in relation to the transfer of the original asset, means the full value of the consideration received or accruing as a result of the transfer of such asset as reduced by any expenditure incurred wholly and exclusively in connection with such transfer.

(2) Where the new asset is transferred or converted (otherwise than by transfer) into money, within a period of three years from the date of its acquisition, the amount of capital gain arising from the transfer of the original asset not charged under section 45 on the basis of the cost of such new asset as provided in clause (a) or, as the case may be, clause (b) of sub-section (1) shall be deemed to be income chargeable under the head "Capital gains" relating to capital assets other than short-term capital assets of the previous year in which the new asset is transferred or converted (otherwise than by transfer) into money.

115G. Return of income not to be filed in certain cases.—It shall not be necessary for a non-resident Indian to furnish under sub-section (1) of section 139 a return of his income if—

(a) his total income in respect of which he is assessable under this Act during the previous year consisted only of investment income or income by way of long-term capital gains or both; and

(b) the tax deductible at source under the provisions of Chapter XVII-B has been deducted from such income.

115H. Benefit under Chapter to be available in certain cases even after the assessee becomes resident.—Where a person, who is a non-resident Indian in any previous year, becomes assessable as resident in India in respect of the total income of any subsequent year, he may furnish to the Income-tax Officer a declaration in writing along with his return of income under section 139 for the assessment year for which he is so assessable, to the effect that the provisions of this Chapter shall continue to apply to him in relation to the investment income derived from any foreign exchange asset being an asset of the nature referred to in sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (f) of section 115C; and if he does so, the provisions of this Chapter shall continue to apply to him in relation to such income for that assessment year and for every subsequent assessment year until the transfer or conversion (otherwise than by transfer) into money of such assets.

115-I. Chapter not to apply if the assessee so chooses.—A non-resident Indian may elect not to be governed by the provisions of this Chapter for any assessment year by furnishing to the Income-tax Officer his return of income for that assessment year under section 139 together with a declaration in writing to the effect that the provisions of this Chapter shall not apply to him for that assessment year and if he does so the provisions of this Chapter shall not apply to him for that assessment year and his total income for that assessment year shall be computed and tax on such total income shall be charged in accordance with the other provisions of this Act.

37. *Amendment of section 164.*—In section 164 of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (2), after the word and figure “section 2” the words, brackets and figures “or which is of the nature referred to in sub-section (4A) of section 11” shall be inserted;

(b) in sub-section (3) in the opening portion, after the word and figure “section 2” the words, brackets and figures “or is of the nature referred to in sub-section (4A) of section 11” shall be inserted.

38. *Amendment of section 280ZA.*—In section 280ZA of the Income-tax Act, with effect from the 1st day of April 1984—

(a) in sub-section (2), for the portion beginning with the words “arising from the transfer” and ending with the words “shifting its machinery”, the following shall be substituted, namely:—

“arising from the transfer of capital assets, being machinery or plant or buildings or lands or any rights in buildings or lands used for the purposes of the business of the said under-taking in the urban area, effected in the course of or in consequence of the shifting of such industrial undertaking namely:—

(a) the amount of expenditure incurred by the company in—

(i) purchasing new machinery or plant for the purposes of the business of the company in the area to which the undertaking is shifted;

(ii) acquiring lands or constructing buildings for the purposes of its business in the said area; and

(iii) shifting its machinery”;

(b) in sub-section (4) for the portion beginning with the words “Where a capital asset” and ending with the words “completion of construction” the following shall be substituted, namely:—

“Where a capital asset, being machinery or plant purchased for the purposes of the business of the company in the area to which the under-taking or land, acquired or as the case may be, constructed in the said area is transferred by the company within a period of five years from the date of purchase, acquisition or, as the case may be, the date of completion of construction.”

39. *Consequential amendments to certain sections.*—The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act, namely;—

(a) in sub-section (3) of section 11 for clause (b), the following clause shall be substituted, namely:—

“(b) ceases to remain invested or deposited in any of the forms or modes specified in sub-section (5), or”;

(b) in sub-section (3) of section 80A—

(i) after the words, figures and letters “or section 80HHB” the words, figures and letters “or section 80HHC” shall be inserted;

(ii) the words, figures and letters “or section 80JJA” shall be omitted with effect from the 1st day of April, 1984;

(c) in sub-section (5) of section 80G to clause (i) the following proviso shall be added with effect from the 1st day of April, 1984 namely:—

"Provided that where an institution or fund derives any income, being profits and gains of business, the condition that such income would not be liable to inclusion in its total income under the provisions of section 11 shall not apply in relation to such income if,—

(a) the institution or fund maintains separate books of account in respect of such business;

(b) the donations made to the institution or fund are not used by it, directly or indirectly, for the purposes of such business; and

(c) the institution or fund issues to the person making the donation a certificate to the effect that it maintains separate books of account in respect of such business and that the donations received by it will not be used, directly or indirectly, for the purposes of such business;"

(d) in sub-section (3) of section 80P—

(i) after the words, figures and letters "or section 80HHB", the words, figures and letters "or section 80HHC" shall be inserted ;

(ii) the words, figures and letters "or section 80JJA" shall be omitted with effect from the 1st day of April, 1984 ;

(iii) for the words, figures and letters "section 80HHB, section 80-I", the words, figures and letters "section 80HHB, section 80HHC, section 80-I" shall be substituted ;

(iv) for the words, figures and letters "section 80J, section 80JJ and section 80JJA", the words, figures and letters "section 80J and section 80JJ" shall be substituted with effect from the 1st day of April, 1984.

WEALTH-TAX

40. *Revival of levy of wealth-tax in the case of closely held companies.*—(1) Notwithstanding anything contained in section 13 of the Finance Act, 1960 (13 of 1960), relating to exemption of companies from levy of wealth-tax under the Wealth-tax Act, 1957 (27 of 1957), (hereinafter referred to as the Wealth-tax Act), wealth-tax shall be charged under the Wealth-tax Act for every assessment year commencing on and from the 1st day of April, 1984 in respect of the net wealth on the corresponding valuation date of every company, not being a company in which the public are substantially interested, at the rate of two per cent. of such net wealth.

Explanation.—For the purposes of this sub-section, "company in which the public are substantially interested" shall have the meaning assigned to it in clause (18) of section 2 of the Income-tax Act.

(2) For the purposes of sub-section (1) the net wealth of a company shall be the amount by which the aggregate value of all the assets referred to in sub-section (3) wherever located, belonging to the company on the valuation date is in excess of the aggregate value of all the debts owed by the company on the valuation date which are secured on or which have been incurred in relation to, the said assets:

Provided that where any debt secured on any asset belonging to the assessee is incurred for or ensures to, the benefit of any other person, or is not represented by any asset belonging to the assessee, the value of

such debt shall not be taken into account in computing the net wealth of the assessee.

(3) The assets referred to in sub-section (2) shall be the following, namely:—

(i) gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals;

(ii) precious or semi-precious stones whether or not set in any furniture, utensil or other article or worked or sewn into any wearing apparel ;

(iii) ornaments made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals, whether or not containing any precious or semi-precious stone, and whether or not worked or sewn into any wearing apparel;

(iv) utensils made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals;

(v) land other than agricultural land;

(vi) building or land appurtenant thereto, other than building or part thereof used by the assessee as factory, godown, warehouse, hotel or office for the purposes of its business or as residential accommodation for its employees or as a hospital, creche, school, canteen, library, recreational centre, shelter, rest-room or lunch room mainly for the welfare of its employees and the land appurtenant to such building or part:

Provided that each such employee is an employee whose income exclusive of the value of all benefits or amenities not provided for by way of monetary payment) chargeable under the head "Salaries" under the income-tax Act does not exceed eighteen thousand rupees;

(vii) motor-cars; and

(viii) any other asset which is acquired or represented by a debt secured on any one or more of the assets referred to in clause (i) to clause (vii)

(4) The value of any asset specified in sub-section (3) shall, subject to the provisions of sub-section (3) of section 7 of the Wealth-tax Act, be estimated to be the price which, in the opinion of the Wealth-tax Officer, it would fetch if sold in the open market on the valuation date.

(5) For the purposes of the levy of wealth-tax under the Wealth-tax Act, in pursuance of the provisions of this section,—

(a) section 5, clause (a) of sub-section (2) of section 7 and clause (d) of section 45 of that Act and Part II of Schedule I to that Act shall not apply and shall have no effect,

(b) the remaining provisions of that Act shall be construed so as to be in conformity with the provisions of this section.

(6) Nothing in this section shall apply to any institution, association or body, whether incorporated or not and whether Indian or non-Indian, which the Central Government may, having regard to the nature and object of such institution, association or body, specify by notification in the Official Gazette and every notification issued under

this sub-section shall be laid, as soon as may be after it is issued, before each House of Parliament.

(7) Subject to the provisions of sub-section (5), this section shall be construed as one with the Wealth-tax Act.

41. *Amendment of section 5.*—In section 5 of the Wealth-tax Act, in sub-section (1),—

(a) for clause (xa), the following clause shall be substituted with effect from the 1st day of April, 1984, namely:—

“(xa) in the case of an assessee who is carrying on a profession (being legal, medical, engineering or architectural profession or the profession of accountancy or such other profession as is notified by the Central Government in this behalf) and who regularly maintains books of account on the cash system of accounting, the amount of any fee due to him in respect of the services rendered by him in such professional capacity;”;

(a) for clause (xvic) [directed to be inserted by sub-clause (v) of clause (a) of section 34 of the Finance Act, 1982 (14 of 1982)], the following clauses shall be substituted with effect from the 1st day of April, 1984, namely:—

“(xvic) in the case of an individual, being a citizen of India or a person of Indian origin who is not resident in India, during the year ending on the valuation date, any foreign exchange asset.

Explanation.—For the purposes of this clause,—

(a) a person shall be deemed to be of Indian origin if he or either of his parents or any of his grand-parents was born in undivided India;

(b) an individual shall be deemed to be not resident in India during the year ending on the valuation date if in respect of that year the individual is not resident in India within the meaning of the Income-tax Act;

(c) “foreign exchange asset” shall have the meaning assigned to it in clause (b) of section 115C of the Income-tax Act;

(xvica) in the case of an individual, being a citizen of India or a person of Indian origin who is resident in India, during the year ending on the valuation date, any foreign exchange asset [being an asset referred to in sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (f) of section 115C of the Income-tax Act], where such asset was not includable by virtue of the provisions of clause (xvic) in computing his net wealth on any earlier valuation date.

Explanation.—For the purposes of this clause,—

(a) an individual shall be deemed to be resident in India during the year ending on the valuation date if in respect of that year the individual is resident in India within the meaning of the Income-tax Act.

(b) the expressions “person of Indian origin” and “foreign exchange asset” shall have the same meanings as in the *Explanation* below clause (xvic);;

(c) in clause (xvii) [directed to be inserted by sub-clause (v) of clause (a) section 34 of the Finance Act, 1982, (14 of 1982)], for the words "such Capital Investment Bonds", the words "in the case of an individual or a Hindu undivided family, such Capital Investment Bonds" shall be substituted ;

(d) after clause (xviii), the following clause shall be inserted, namely :—

"(xviii) any property being a medal, trophy or an award in kind received by the assessee for any attainment, work or contribution in any field if such medal, trophy or award in kind is received by the assessee from Government or from a University established by law or an institution affiliated to such University or from any such institution, association or body as is approved for the purposes of this clause by the Central Government.

Explanation—Any approval for the purposes of this clause by the Central Government so to have effect from a date not earlier than the 1st day of April, 1983;".

GIFT-TAX

42. *Amendment of section 5.*—In section 5 of Gift-tax Act, 1958 (18 of 1958.), in sub-section (1),—

(a) in clause (iid) [directed to be inserted by clause (a) of section 38 of the Finance Act, 1982, (14 of 1982.)], for the portion beginning with the words "savings certificates" and ending with the words "rules made thereunder", the following shall be substituted with effect from the 1st day of April, 1984, namely :—

"any foreign exchange asset as defined in clause (b) of section 115C of the Income-tax Act";

(b) In clause (iiic) [directed to be inserted by clause (b) of section 38 of the Finance Act, 1982, (14 of 1982.)], for the words "of property in the from of such Capital Investment Bonds", the words "being an individual or a Hindu undivided family, of property in the from of such Capital Investment Bonds" shall be substituted.

INTEREST-TAX

43. *Amendment of section 4.*—In section 4 of the Interest-tax Act, 1947, (45 of 1947.), the following proviso shall be inserted at the end, namely :—

"Provided that the rate at which interest-tax shall be charged in respect of any chargeable interest accruing or arising after the 31st day of March, 1983 shall be three and a half per cent. of such chargeable interest."

CHAPTER IV

INDIRECT TAXES

44. *Amendment of Act 51 of 1975.*—The Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), shall be amended in the manner specified in the Second Schedule.

45. *Auxiliary duties of customs.*—(1) In the case of goods mentioned in the First Schedule to the Customs Tariff Act, or in that Schedule, as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to fifty per

cent of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1952 (52 of 1962.), (hereinafter referred to as the Customs Act).

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1984, except as respects things done or omitted to be done before such ceasing; and section 6 of the General Clauses Act, 1897, (10 of 1897.), shall apply upon such ceasing as if the said sub-section had then been repealed by a Central Act.

(3) The auxiliary duties of customs referred to in sub-section (1) shall be in addition to any other law for the time being in force.

(4) The provisions of the Customs Act and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the auxiliary duties of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations, as the case may be.

46. *Amendment of section 2.*—In section 2 of the Customs Act, in clause (12), after the words “a customs port”, the words, brackets and letters “, and includes a place appointed under clause (aa) of that section to be an inland container depot” shall be inserted.

47. *Amendment of section 7.*—In section 7 of the Customs Act, after clause (a), the following clause shall be inserted, namely :—

“(aa) the places which alone shall be inland container depots for the unloading of imported goods and the loading of export goods or any class of such goods;”.

48. In section 23 of the Customs Act, in sub-section (1),—

(a) for the words “Where it is shown”, the words and figures “Without prejudice to the provisions of section 13, where it is shown” shall be substituted,

(b) after the words “have been lost”, the brackets and words “(otherwise than as result of pilferage)” shall be inserted.

49. *Amendment of section 25.*—In section 25 of the Customs Act, after sub-section (2), the following sub-section and Explanation shall be inserted, namely :—

“(3) An exemption under sub-section (1) or sub-section (2) in respect of any goods from any part of the duty of customs leviable thereon (the duty of customs leviable thereon being hereinafter referred to as the statutory duty) may be granted by providing for the levy of a duty on such goods at a rate expressed in a statutory duty is leviable and any exemption granted in relation to any goods in the manner provided in this sub-section shall have effect subject to the condition that the duty of customs chargeable on such goods shall in no case exceed the statutory duty.

Explanation—“Form or method”, in relation to a rate of duty of customs, means the basis, namely, valuation, weight, number, length, area, volume or other measure with reference to which the duty is leviable.”.

50. *Amendment of section 61.*—Section 61 of the Customs Act shall be numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so numbered, for the words "three years" and "one year", wherever they occur [except the second place at which the words "one year" occur in sub-clause (ii) of that sub-section], the words "one year" and "three months" shall, respectively, be substituted and for the words "one year" at the second place where they occur in the sub-clause (ii), the words "six months" shall be substituted ;

(b) after sub-section (1) as so numbered the following sub-section shall be inserted, namely :—

"(2) Where any warehoused goods remain in a warehouse beyond the period of one year or three months specified in clause (a) or clause (b) of sub-section (1) by reason of the extension of the aforesaid period or otherwise, interest at such rate, not exceeding eighteen per cent. per annum as is for the time being fixed by the Board, shall be payable on the amount of duty on the warehoused goods for the period from the expiry of the period of one year or, as the case may be, three months, till the date of the clearance of the goods from the warehouse".

51. *Amendment of section 74.*—In section 74 of the Customs Act, in sub-section (1), for the words "exported to any place outside India", the words and figures "entered for export and the proper officer makes an order permitting clearance and loading of the goods for exportation under section 51" shall be substituted.

52. *Amendment of section 75.*—In section 75 of the Customs Act, in sub-section (1), for the words "and exported to any place outside India," the words and figures, "being goods which have been entered for export and in respect of which an order permitting the clearance and loading thereof for exportation has been made under section 51 by the proper officer," shall be substituted.

53. *Amendment of section 76.*—In section 76 of the Customs Act, in sub-section (1)—

(a) clause (a) shall be omitted;

(b) in clause (c), for the words "five rupees", the words "fifty rupees" shall be substituted.

EXCISE

54. *Amendment of Act I of 1944.*—The first Schedule to the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excise Act),—

(a) shall be amended in the manner specified in the Third Schedule; and

(b) shall, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, be also amended in the manner specified in the Fourth Schedule.

55. *Special duties of excise.*—(1) In the case of goods chargeable with a duty of excise under the Central Excises Act, as amended from time to time, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable (not being a notification providing for any exemption for giving credit with

respect to, or reduction of duty excise under the said Act on such goods equal to, any duty of excise under the said Act, or the additional duty under section 3 of the Customs Tariff Act, already paid on the raw material or component parts used in the production or manufacture of such goods), there shall be levied and collected a special duty of excise equal to ten per cent. of the amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1984, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clause Act, 1897 (10 of 1897) shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The special duties of excise referred to in sub-section (1) shall be in addition to any duties of excise chargeable on such goods under the Central Excises Act, or any other law for the time being in force.

(4) The provisions of the Central Excise Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the special duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules, as the case may be.

56. *Amendment of Act 58 of 1957.*—The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act), shall be amended in the manner specified in the Fifth Schedule.

57. *Amendment of Act 40 of 1978.*—In section 3 of the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) When goods of the description mentioned in the Schedule chargeable with a duty of excise under the Central Excise and Salt Act, 1944 (1 of 1944) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable (not being a notification providing for any exemption for giving credit with respect to, or reduction of duty of excise under the said Act on such goods equal to, any duty of excise under the said Act, or the additional duty under section 3 of the Customs Tariff Act, 1975, already paid on the raw material used in the production or manufacture of such goods), are assessed to duty, there shall be levied and collected a duty of excise equal to fifteen per cent of the total amount so chargeable on such goods”

CHAPTER V

MISCELLANEOUS

58: *Amendment of Act 6 of 1898.*—In the First Schedule to the Indian Post Office Act, 1898, for the sub-heading “*Parcels*” and the entries thereunder, the following shall be substituted, namely:—

“*Parcels*”

For a weight not exceeding five hundred grams	Rs. 3.00
For every five hundred grams or fraction thereof, exceeding five hundred grams	Rs 3.00.”

59. *Amendment of Act 38 of 1974.*—In the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974,—

(a) in section 3,—

(i) in sub-section (1), for the figures, letters and words “1st day of April, 1984”, the figures, letters and words “1st day of April, 1986” shall be substituted;

(ii) in sub-section (3), for the words “seventy years”, the words “sixty-five years” shall be substituted with effect from the 1st day of June, 1983;

(b) in section 4,—

(i) in sub-section (1), in clause (iv), for the words, figures and letters “and the assessment year commencing on the 1st day of April, 1983”, the words, brackets, figures and letters “and every subsequent assessment year (not being an assessment year commencing on or after the 1st day of April, 1986)” shall be substituted;

(ii) in sub-section (3), after the words, brackets and figures “clause (24) of section 2”, wherever they occur, the words brackets, letters and figures “and in clause (c) of section 115C” shall be inserted with effect from the 1st day of June, 1983;

(c) in section 6, in sub-section (2), after the words, brackets and figures “clause (24) of section 2”, at both the places where they occur, the words, brackets, letters and figures “and in clause (c) of section 115C” shall be inserted with effect from the 1st day of June, 1983;

(d) in section 8, in sub-section (1A), for clauses (i) and (ii), the following clauses shall be substituted with effect from the 1st day of June, 1983, namely:—

“(i) where such individual has attained the age of sixty-five years before the 1st day of April, 1983, on the 1st day of June, 1983; and

(ii) in any other case, on the first day of the financial year immediately succeeding the financial year in which such individual attained sixty-five years of age.”.

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX AND SURCHARGE ON INCOME-TAX

Paragraph A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or un-registered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 15,000 Nil;

(2) where the total income exceeds Rs. 15,000 but does not exceed Rs. 25,000 30 per cent. of the amount by which the total income exceeds Rs. 15,000;

(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000

(4) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000

(5) where the total income exceeds Rs. 50,000 but does not exceed Rs. 60,000

(6) where the total income exceeds Rs. 60,000 but does not exceed Rs. 70,000

(7) where the total income exceeds Rs. 70,000 but does not exceed Rs. 85,000

(8) where the total income exceeds Rs. 85,000 but does not exceed Rs. 1,00,000

(9) where the total income exceeds Rs. 1,00,000

Rs. 3,000 plus 34 per cent. of the amount by which the total income exceeds Rs. 25,000;

Rs. 4,700 plus 40 per cent. of the amount by which the total income exceeds Rs. 30,000;

Rs. 12,700 plus 50 per cent. of the amount by which the total income exceeds Rs. 50,000

Rs. 17,700 plus 52.5 per cent. of the amount by which the total income exceeds Rs. 60,000;

Rs. 22,950 plus 55 per cent. of the amount by which the total income exceeds Rs. 70,000;

Rs. 31,200 plus 57.5 per cent. of the amount by which the total income exceeds Rs. 85,000;

Rs. 39,825 plus 60 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1983 exceeds Rs. 15,000,—

Rates of income-tax

(1) Where the total income does not exceed Rs. 8,000

(2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000

(3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000

(4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000

(5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000

Nil;

22 per cent. of the amount by which the total income exceeds Rs. 8,000;

Rs. 1,540 plus 27 per cent. of the amount by which the total income exceeds Rs. 15,000;

Rs. 2,890 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000;

Rs. 4,640 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000

(6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000

Rs. 6,640 plus 50 percent of the amount by which the total income exceeds Rs. 30,000;

(7) where the total income exceeds Rs. 50,000

Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000;

Provided that for the purposes of this Sub-Paragraph,—

(i) no income-tax shall be payable on a total income not exceeding Rs. 12,000;

(ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000

15 per cent. of the total income;

(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000

Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000

(3) where the total income exceeds Rs. 20,000

Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph C

Sub-Paragraph I

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000

Nil;

(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000

5 per cent. of the amount by which the total income exceeds Rs. 10,000

(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000

Rs. 750 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;

- | | |
|--|--|
| (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | Rs. 2,500 plus 15 per cent. of the amount by which the total income exceeds Rs. 50,000 |
| (5) where the total income exceeds Rs. 1,00,000 | Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rs. 1,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty one per cent. of such total income,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 10,000 | Nil; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 | 4 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 | Rs. 600 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000. |
| (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | Rs. 2,350 plus 13 per cent of the amount by which the total income exceeds Rs. 50,000; |
| (5) where the total income exceeds Rs. 1,00,000 | Rs. 8,850 plus 22 per cent of the amount by which the total income exceeds Rs. 1,00,000 |

Surcharge on income-tax

The amount of income-tax computed in accordance with preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the of the Union calculated at the rate of ten per cent. of such income tax.

Explanation.—For the purposes of this Paragraph, “registered firm” includes as unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rates of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinafter specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragrabh E

In the case of a company,—

Rates of income-tax

I In the case of a domestic company,—

(1) where the company is a company in which the public are substantially interested,—

(i) in case where the total income does not exceeds Rs. 1,00,000 45 per cent. of the total income ;

(ii) in case where the total income exceeds Rs. 1,00,000 55 per cent. of the total income ;

(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial company

(a) where the total income does not exceed Rs. 20,00,000 55 per cent. of the total income ;

(b) where the total income exceeds Rs. 20,00,000 60 per cent. of the total income.

(ii) in any other case 65 per cent. of the total income ;

Provided that—

(i) the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 1,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 for this purpose being computed as if such income including income from various sources in the same proportion as the total income of the company) ; and

(e) eighty per cent. of the amount by which its total income exceeds Rs 1,00,000 ;

(ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000 for this purpose being computed as if such income included income of the company) ; and

(a) the income-tax which would have been payable by the company if its total income had been Rs. 2,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company) ; and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000.

II. In the case of a company other than a domestic company,—

(i) on so much of the income total as consists of—

(a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b). fees for rendering technical services received made by it with the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

50 per cent.;

(ii) on the balance, if any, of the total income

70 per cent.

Surcharge on Income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of two and a half per cent. of such income-tax

PART II RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of section 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force deduction shall be made from the income subject to deduction at the following rates :—

	Income-tax	
	Rate of Income-tax	Rate of surcharge
1. In the case of a person other than a company—		
(a) where the person is resident in India—		
(i) on income by way of interest other than "Interest on securities"	10 per cent.	Nil;
(ii) on income by way of winnings from lotteries and crossword puzzles	30 per cent.	3.75 per cent;
(iii) on income by way of winnings from horse races	30 per cent.	3.75 per cent;
(iv) on income by way of insurance commission	10 per cent.	Nil;
(v) on income by way of interest payable on	10 per cent.	Nil;
(A) any security, other than a tax-free security, of the Central or a State Government;		
(B) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;		
(C) any debentures issued by a company where such debentures are listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956		

	Income-tax	
	Rate of income-tax	Rate of surcharge
(42 of 1936), and any rules made there- under,		
(vi) on any other income (excluding interest payable on a tax-free security),	20 per cent.	2.5 per cent.
(b) where the person is not resident in India—		
(i) in the case of a non-resident Indian—		
(A) on investment income and long-term capital gains	20 per cent.	2.5 per cent. ;
(B) on income by way of inte- rest payable on a tax-free security	15 per cent.	1.875 per cent. ;
(C) on the whole of the other income,	income-tax at 30 per cent. and surcharge at 3.75 per cent. of the amount of the income, or income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;	
(ii) in the case of any other person—		
(A) on the whole of income (exclud- ing interest payable on a tax-free sec- urity)	income-tax at 30 per cent. and surcharge at 3.75 per cent. of the amount of income, or income-tax and surcharge on income-tax in respect of the in- come at the rates prescribed in Sub-paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher ;	
(B) on income by way of interest payable on a tax-free security	15 per cent.	1.875 per cent. ;
2. In the case of a company—		
(a) where the company is a domestic company—		
(i) on income by way of interest other than "Interest on securities"	20 per cent.	1 per cent. ;

	Income-tax	
	Rate of income-tax	Rate of surcharge
(ii) on any other income (excluding interest payable on a tax-free security)	21.5 per cent.	1.075 per cent ;
(b) where the company is not a domestic company—		
(i) on income by way of dividends payable by any domestic company	25 per cent.	Nil ;
(ii) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency	25 per cent.	Nil ;
(iii) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern	40 per cent	Nil ;
(iv) on income by way of royalty [not being royalty of the nature referred to in sub-item (b) (iii)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government,—		
(A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976	50 per cent.	2.5 per cent. ;
(B) where the agreement is made after the 31st day of March, 1976—		
(1) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data,	20 per cent.	Nil;

	Income-tax	
	Rate of Income-tax	Rate of surcharge
documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process, or trade mark or similar property		
(2) on the balance, if any, of such income	40 per cent.	Nil;
(v) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government—		
(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976	50 per cent.	2.5 per cent.
(B) where the agreement is made after the 31st day of March, 1976	40 per cent.	Nil;
(vi) on income by way of interest payable on a tax-free security	44 per cent.	2.2 per cent.
(vii) on any other income	70 per cent.	3.5 per cent.
<i>Explanation</i> —For the purposes of this Part, “investment income”, “long-term capital gains” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A as directed to be inserted in the Income-tax Act by section 36 of this Act.		

PART III

Rates for calculating or charging income-tax in certain cases, deducting income-tax from income chargeable under the head “Salaries” or any payment referred to in sub-section (9) of section 80E and computing “advance tax.”

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head “Salaries” or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, “advance tax” (not being “advance tax” in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or section 164 or section 164A or section 167A of the Income-tax Act at the rates as specified in that Chapter or section), shall be so calculated, charged, deducted or computed at the following rate or rates :—

*Paragraph A**Sub-Paragraph I*

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 15,000 | Nil; |
| (2) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | 25 per cent. of the amount by which the total income exceeds Rs. 15,000; |
| (3) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 | Rs. 1,250 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000; |
| (4) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 | Rs. 2,750 plus 35 per cent. of the amount by which the total income exceeds Rs. 25,000; |
| (5) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 | Rs. 4,500 plus 40 per cent. of the amount by which the total income exceeds Rs. 30,000; |
| (6) where the total income exceeds Rs. 50,000 but does not exceed Rs. 60,000 | Rs. 12,500 plus 50 per cent. of the amount by which the total income exceeds Rs. 50,000; |
| (7) where the total income exceeds Rs. 60,000 but does not exceed Rs. 70,000 | Rs. 17,500 plus 52.5 per cent. of the amount by which the total income exceeds Rs. 60,000; |
| (8) where the total income exceeds Rs. 70,000 but does not exceed Rs. 85,000 | Rs. 22,750 plus 55 per cent. of the amount by which the total income exceeds Rs. 70,000; |
| (9) where the total income exceeds Rs. 85,000 but does not exceed Rs. 1,00,000 | Rs. 31,000 plus 57.5 per cent. of the amount by which the total income exceeds Rs. 85,000; |
| (10) where the total income exceeds Rs. 1,00,000 | Rs. 39,625 plus 60 per cent. of the amount by which the total income exceeds Rs. 1,00,000 |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1984 exceeds Rs. 15,000,—

Rates of Income-tax

- (1) where the total income does not exceed Rs. 8,000 Nil;
- (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000 22 per cent. of the amount by which the total income exceeds Rs. 8,000 ;
- (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 Rs. 1,540 plus 27 per cent. of the amount by which the total income exceeds Rs. 15,000 ;
- (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 Rs. 2,890 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000 ;
- (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 Rs. 4,640 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000 ;
- (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 Rs. 6,640 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000 ;
- (7) where the total income exceeds Rs. 50,000 Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000 ;

Provided that for the purposes of this Sub-Paragraph,—

- (i) no income-tax shall be payable on a total income not exceeding Rs. 12,000 ;
- (ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17,610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Paragraph B

In the case of every co-operative society,—

Rates of Income-tax

- (1) where the total income does not exceed Rs. 10,000 15 per cent. of the total income ;
- (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000
- (3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on Income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union, calculated at the rate of twelve and a half per cent. of such income-tax.

*Paragraph C**Sub-Paragraph I*

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income-tax

- (1) where the total income Nil ;
does not exceed Rs. 10,000
- (2) where the total income 5 per cent. of the amount by which
exceeds Rs. 10,000 but does not the total income exceeds Rs. 10,000;
exceed Rs. 25,000
- (3) where the total income Rs. 750 plus 7 per cent. of the
exceeds Rs. 25,000 but does not amount by which the total income
exceed Rs. 50,000 exceeds Rs. 25,000 ;
- (4) where the total income Rs. 2,500 plus 15 per cent. of the
exceeds Rs. 50,000 but does not amount by which the total income
exceed Rs. 1,00,000 exceeds Rs. 50,000 ;
- (5) where the total income Rs. 10,000 plus 24 per cent. of the
exceeds Rs. 1,00,000 amount by which the total income
exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,—

Rates of income-tax

- (1) where the total income Nil ;
does not exceed Rs. 10,000
- (2) where the total income 4 per cent. of the amount by which
exceeds Rs. 10,000 but does not the total income exceeds Rs. 10,000;
exceed Rs. 25,000 Rs. 600 plus 7 per cent. of the
amount by which the total income
exceeds Rs. 25,000;
- (3) where the total income Rs. 2,350 plus 13 per cent. of the
exceeds Rs. 25,000 but does not amount by which the total income
exceed Rs. 50,000 exceeds Rs. 50,000;
- (4) where the total income Rs. 8,850 plus 22 per cent. of the
exceeds Rs. 50,000 but does not amount by which the total income
exceed Rs. 1,00,000 exceeds Rs. 1,00,000;
- (5) where the total income Rs. 8,850 plus 22 per cent. of the
exceeds Rs. 1,00,000 amount by which the total income
exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Explanation—For the purposes of this Paragraph, “registered firm” includes an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company—

(1) where the company is a company 55 per cent. of the total in which the public are substantially income; interested

(2) where the company is not a company in which the public are substantially interested—

(i) in the case of an industrial company 60 per cent. of the total income;

(ii) in any other case 65 per cent. of the total income;

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976.

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 70 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of five per cent. of such income-tax.

Explanation.—For the purposes of this Paragraph, “industrial company” means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or carriage, by road or inland waterways, of passengers or goods or in the construction of ships or in the execution of projects or in the manufacture or processing of goods or in mining.

Note —For the purposes of this *Explanation*,—

(i) a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other form of power or carriage, by road or inland waterways, of passengers or goods or in the construction of ships or in the execution of projects or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty-one per cent. of such total income;

(ii) "project" means a project for the construction of a building, road, dam, bridge or other structure or assembly or installation of any machinery or plant.

PART IV

[See section 2(7) (e)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1) of section (2) of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 39, 31, 32, 34, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43 and 43A of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (c) of clause (1) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of section 23 to 27 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of the said section 23 shall apply subject to the modifications that the references to "total income" therein shall be construed as references to net agricultural income and that the words figures and letter "and before making any deduction under Chapter VIA" shall be omitted.

Rule 4.—Notwithstanding, anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall

be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a partner of a registered firm or an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act, which in the previous year has any agricultural income or is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of the said section 183 and which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an unregistered firm but has any agricultural income, then the agricultural income or loss of the firm shall be computed in accordance with these rules and his share in the agricultural income or loss of the firm shall be computed in the manner laid down in sub-section (1), sub-section (2), and sub-section (3) of section 67 of the Income-tax Act and the share so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 7.—Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income :

Provided that where the assessee is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of section 183 of the Income-tax Act or is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the firm, association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income

Rule 8.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 9.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1983, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of

April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, to the extent if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982.

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982.

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982.

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, and

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1983.

(2) Where the assessee has, in previous year relevant to the assessment year commencing on the 1st day of April, 1984 or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983, is a loss, than, for the purposes of sub-section (6) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983.

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1978 or 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983.

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1979 or 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983.

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983.

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983.

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982 or the 1st day of April, 1983.

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the

extent, if any, such loss has not been set off against the agricultural income for previous year relevant to the assessment year commencing on the 1st of April, 1983.

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1983.

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1984, or the period aforesaid.

(3) Where a change has occurred in the constitution of a firm, nothing in sub-rule (1) or sub-rule (2) shall entitle the firm of so much of the loss proportionate to the share of a retired or deceased partner computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of section 67 of the Income-tax Act as exceeds his share of profits, if any, of the previous year in the firm, or entitle any partner to the benefit of any portion of the loss (computed in the manner aforesaid) which is not apportionable to him.

(4) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 1975 (25 of 1975), or of the First Schedule to the Finance Act, 1976 (66 of 1976), or of the First Schedule to the Finance (No. 2) Act, 1977 (29 of 1977), or of the Schedule to the Finance Act, 1978 (19 of 1978), or of the First Schedule to the Finance Act, 1979 (21 of 1979), or of the First Schedule to the Finance (No. 2) Act, 1980 (44 of 1980), or of the First Schedule to the Finance Act, 1981 (16 of 1981), or of the First Schedule to the Finance Act, 1982 (14 of 1982) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

Rule 10.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be nil.

Rule 11.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 12.—For the purposes of computing the net agricultural income of the assessee, the Income-tax Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

(See section 44)

PART I

In the First Schedule to the Customs Tariff Act,—

(i) in Heading No. 08.01/13,—

(1) in sub-heading No. (1), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(2) in sub-heading No. (3), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(3) in sub-heading No. (4), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(4) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(ii) in Heading No. 25.01/32,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "60%" shall be substituted;

(3) in sub-heading No. (3), for the entries in column (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(4) in sub-heading No. (4), for the entry in column (3), the entry "100%" shall be substituted;

(5) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "60%" and "50%" shall, respectively, be substituted;

(6) in sub-heading No. (6), for the entry in column (3), the entry "100%" shall be substituted;

(7) in sub-heading No. (7), for the entries in column (3), and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(8) in sub-heading No. (9), for the entry in column (3), the entry "100%" shall be substituted;

(9) in sub-heading No. (10) for the entry in column (3), the entry "100%" shall be substituted;

(iii) in Heading No. 28.01/58,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted;

(4) in sub-heading No. (4), for the entry in column (3), the entry "60%" shall be substituted;

(5) in sub-heading No. (5), for the entry in column (3), the entry "100%" shall be substituted;

(6) in sub-heading No. (6), for the entry in column (3), the entry "100%" shall be substituted;

(7) in sub-heading No. (7), for the entry in column (3), the entry "100%" shall be substituted.

(8) in sub-heading No. (8), for the entry in column (3), the entry "100%" shall be substituted;

(9) in sub-heading No. (9), for the entry in column (3), the entry "60%" shall be substituted;

(10) in sub-heading No. (10), for the entry in column (3), the entry "100%" shall be substituted;

(11) in sub-heading No. (11), for the entry in column (3), the entry "100%" shall be substituted;

(12) in sub-heading No. (12), for the entry in column (3), the entry "100%" shall be substituted;

(13) in sub-heading No. (13), for the entry in column (3), the entry "100%" shall be substituted;

(iv) in Heading No. 29 01/45,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entries in column (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted;

(4) in sub-heading No. (4), for the entry in column (3), the entry "60%" shall be substituted;

(5) in sub-heading No. (5), for the entry in column (3), the entry "100%" shall be substituted;

(6) in sub-heading No. (6), for the entry in column (3), the entry "150%" shall be substituted;

(7) in sub-heading No. (7), for the entry in column (3), the entry "100%" shall be substituted;

(8) in sub-heading No. (8), for the entry in column (3), the entry "100%" shall be substituted;

(9) in sub-heading No. (9), for the entry in column (3), the entry "100%" shall be substituted;

(10) in sub-heading No. (10), for the entry in column (3), the entry "100%" shall be substituted;

(11) in sub-heading No. (11), for the entry in column (3), the entry "100%" shall be substituted;

(12) in sub-heading No. (12), for the entry in column (3), the entry "100%" shall be substituted;

(13) in sub-heading No. (13), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(14) in sub-heading No. (14) for the entry in column (3), the entry "100%" shall be substituted;

(15) in sub-heading No. (15), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(16) in sub-heading No. (16), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(17) in sub-heading No. (17), for the entries in columns (3) and (4) the entries "100%" and "94%" shall, respectively, be substituted;

(18) in sub-heading No. (19), for the entry in column (3), the entry "100%" shall be substituted;

(19) in sub-heading No. (21), for the entry in column (3), the entry "150%" shall be substituted;

(20) in sub-heading No. (22), for the entry in column (3), the entry "150%" shall be substituted;

(v) in Heading No. 30.01, for the entries in columns (3) and (4) the entries "100%" and "90%" shall, respectively, be substituted;

(vi) in Heading No. 30.02, for the entries in columns (3) and

(4)] the entries "100%" and "90%" shall, respectively, be substituted;

(vii) in Heading No. 30.03,—

(1) in sub-heading No. (1), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "Rs. 24 per litre or 100% whichever is higher plus Rs. 5 per litre" and "Rs. 24 per litre or 100% whichever is higher plus Rs. 5 per litre" shall, respectively, be substituted;

(viii) in Heading No. 30.04/05, for the entry in column (3), the entry "100%" shall be substituted;

(ix) in Heading No. 32.01/03,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "60%" shall be substituted;

(x) in Heading No. 32.04/12,—

(1) in sub-heading No. (3), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (4), for the entry in column (3), the entry "150%" shall be substituted;

(3) in sub-heading No. 5, for the entry in column (3), the entry "150%" shall be substituted;

(4) in sub-heading No. (6), for the entry in column (3), the entry "150%" shall be substituted;

(5) in sub-heading No. 7, for the entries in columns (3) and (4), the entries "150%" and "140%" shall, respectively, be substituted;

(xi) in Heading No. 32.13, for the entry in column (3) the entry "100%" shall be substituted;

(xii) in Heading No. 33.01/06,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "150%" and "140%" shall, respectively, be substituted;

(xiii) in Heading No. 34.01/07,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(3) in sub-heading No. (3), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(xiv) in Heading No. 35.01/07,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(xv) in Heading No. 36.01/03, for the entry in column (3), the entry "100%" shall be substituted.

(xvi) in Heading No. 38.01/19,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted ;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted ;

(3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted ;

(4) in sub-heading No. (4), for the entries in columns (3) and (4), the entries "100%" and "90%" shall respectively, be substituted ;

(5) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted ;

(6) in sub-heading No. (6), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted ;

(7) in sub-heading No. (7), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted ;

(8) in sub-heading No. (8), for the entry in column (3), the entry "60%" shall be substituted ;

(9) in sub-heading No. (9), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted ;

(xvii) in Heading No. 39.01/06, for the entry in column (3), the entry "200%" shall be substituted ;

(xviii) in Heading No. 40.01/04, for the entry in column (3), the entry "60%" shall be substituted ;

(xix) in Heading No. 56.01/04, for the entry in column (3), the entry "150% plus Rs. 30 per kilogram" shall be substituted ;

(xx) in Heading No. 73.01, for the entry in column (3), the entry "60%" shall be substituted ;

(xxi) in Heading No. 73.02, for the entry in column (3), the entry "60%" shall be substituted ;

(xxii) in Heading No. 73.03/05, for the entry in column (3), the entry "100%" shall be substituted ;

(xxiii) in Heading No. 73.06/07,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "60%" shall be substituted ;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted ;

(xxiv) in Heading No. 73.08, for the entry in column (3), the entry "60%" shall be substituted ;

(xxv) in Heading No. 73.09, for the entry in column (3), the entry "60%" shall be substituted ;

(xxvi) in Heading No. 73.10, for the entry in column (3), the entry "60%" shall be substituted ;

(xxvii) in Heading No. 73.11, for the entry in column (3), the entry "60%" shall be substituted ;

(xxviii) in Heading No. 73.12, for the entry in column (3), the entry "60%" shall be substituted ;

(xxix) in Heading No. 73.13,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(xxx) in Heading No. 73.14, for the entry in column (3), the entry "60%" shall be substituted;

(xxxi) in the sub-heading No. (1) of Heading No. 73.16, for the entry in column (3), the entry "60%" shall be substituted;

(xxxii) in Heading No. 73.17/19,—

(1) in sub-heading No. (1) (i), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (1) (ii) for the entry in column (3), the entry "60%" shall be substituted;

(3) in sub-heading No. (1) (iii), for the entry in column (3), the entry "60%" shall be substituted;

(4) in sub-heading No. (1) (iv), for the entry in column (3), the entry "60%" shall be substituted;

(xxxiii) in sub-heading No. (1) of Heading No. 73.20, for the entry in column (3), the entry "100%" shall be substituted;

(xxxiv) in sub-heading No. (1) of Heading No. 73.21, for the entry in column (3), entry "60%" shall be substituted;

(xxxv) in sub-heading No. (1) of Heading No. 73.22/23, for the entry in column (3), the entry "100%" shall be substituted;

(xxxvi) in Heading No. 73.24, for the entry in column (3), the entry "60%" shall be substituted;

(xxxvii) in sub-heading No. (1) of Heading No. 73.25, for the entry in column (3), the entry "100%" shall be substituted;

(xxxviii) in sub-heading No. (1) of Heading No. 73.26, for the entry in column (3), the entry "100%" shall be substituted;

(xxxix) in sub-heading No. (1) of Heading No. 73.27/28, for the entry in column (3), the entry "100%" shall be substituted;

(xl) in Heading No. 73.29,—

(1) in sub-heading No. (1) (i), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (1) (ii), for the entry in column (3), the entry "60%" shall be substituted;

(xli) in Heading No. 73.30, for the entry in column (3), the entry "60%" shall be substituted;

(xlii) in Heading No. 73.31, for the entry in column (3), the entry "100%" shall be substituted;

(xliii) in Heading No. 73.32 for the entry in column (3), the entry "100%" shall be substituted;

(xliv) in sub-heading No. (1) of Heading No. 73.33/40, for the entry in column (3), the entry "150%" shall be substituted;

(xlv) in Heading No. 76.01,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "60%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "60%" shall be substituted;

(xlv) in Heading No. 76.02, for the entry in column (3), the entry "100%" shall be substituted;

(xlvi) in sub-heading No. (1) of Heading No. 76.03/04, for the entry in column (3), the entry "100%" shall be substituted;

(xlvii) in Heading No. 76.05, for the entry in column (3), the entry "100%" shall be substituted;

(xlviii) In Heading No. 76.06/07, for the entry in column (3), the entry "100%" shall be substituted;

(i) in Heading No. 76.08/16, for the entry in column (3), the entry "100%" shall be substituted;

(ii) in Heading No. 78.01,—

(1) in sub-heading No. (1) for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(iii) in Heading No. 78.02/06, for the entry in column (3), the entry "100%" shall be substituted;

(iii) in Heading No. 79.01,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted.

(iv) in Heading No. 79.02, for the entry in column (3), the entry "100%" shall be substituted;

(iv) in Heading No. 79.03, for the entry in column (3), the entry "100%" shall be substituted;

(iv) In Heading No. 79.04/06, for the entry in column (3), the entry "100%" shall be substituted;

(iv) In sub-heading No. (2) of the Heading No. 84.11, for the entry in column (3), the entry "100%" shall be substituted;

(iv) in Heading No. 84.12 for the entry in column (3), the entry "100%" shall be substituted;

(ix) in sub-heading No. (1) of Heading No. 84.15, for the entry in column (3), the entry "100%" shall be substituted;

(ix) in sub-heading No. (5) of Heading No. 85.18/27, for the entry in column (3), the entry "100%" shall be substituted.

PART II

Heading No.	Sub-heading No. and description of article	Rate of duty		Duration
		Standard	Preferential Areas	when rates of duty are protective
(1)	(2)	(3)	(4)	(5)

In the First Schedule to the Customs Tariff Act, in Heading No. 29.01/45, after sub-heading No. (22), the following sub-heading shall be inserted, namely:—

"(23) Terephthalic Acid 150%

THE THIRD SCHEDULE

[See section 54(a)]

PART I

In the First Schedule to the Central Excises Act,—

(i) in Item No. 4, under "II. Manufactured tobacco—", for the entry in the third column against sub-Item (2), the entry "Four hundred and forty rupees per thousand per cent. ad valorem plus twenty rupees per thousand, whichever is higher" shall be substituted ;

(ii) in Item No. 18, for the entries in the third column against sub-items I(ii), II(i), (a) and II(i) (b), the entries "Ten rupees per kilogram.", "Ninety-five rupees per kilogram." and "One hundred and five rupees per kilogram." shall, respectively, be substituted ;

(iii) in Item No. 68, for the entry in the third column, the entry "Ten per cent. ad valorem." shall be substituted.

PART II

Item No	Description of goods	Rate of duty
(1)	(2)	(3)

In the First Schedule to the Central Excises Act,—

(i) for Item No. 1D, the following Item shall be substituted, namely :—

"1D. AERATED WATERS, WHETHER OR NOT FLAVOURED OR SWEETENED AND WHETHER OR NOT CONTAINING VEGETABLE OR FRUIT JUICE OR FRUIT PULP—

(1) Aerated water which are only charged with carbon dioxide gas under pressure and which contain no other added ingredient—

(a) for each unit container containing 200 millilitres or less Twenty paise.

(b) for each unit container containing more than 200 millilitres Twenty paise plus ten paise for every 100 millilitres or fraction thereof in excess of 200 millilitres.

(c) others Forty per cent. *ad valorem*.

(2) Aerated waters other than those falling under sub-Item (1)—

(a) for each unit container containing 200 millilitres or less Sixty paise.

(b) for each unit container containing more than 200 millilitres Sixty paise plus thirty paise for every 100 millilitres or fraction thereof in excess of 200 millilitres.

(c) others Sixty per cent. *ad valorem* ;

(ii) in Item No. 16, for sub-Item I, the following sub-Item shall be substituted, namely :—

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	“I. (1) Tyres for motor vehicles ; and tyres for vehicles or equipments, designed for use off the road—	
	(a) tyres for two-wheeled motor-vehicles, namely, scooters, motor-cycles, mopeds and autocycles	Twenty-five per cent. ad valorem.
	(b) others	Sixty per cent. ad valorem.
	(3) Tyres for tractors, including agricultural tractors.	Twenty-five per cent. ad valorem.
	(3) Tyres for trailers—	
	(a) of sizes; namely, 7.50-16 and 9.00-16.	Twenty-five per cent. ad valorem.
	(b) others	Sixty per cent. ad valorem.”;
	(iii) in Item No. 17,—	
	(a) for sub-Items (1) and (2), the following sub-Item shall be substituted, namely :—	
	“(1) Paper and paper board, (including paper or paper boards which have been subjected to various treatments such as coating, impregnating, corrugation, creping and design printing), not elsewhere specified.	Ten per cent. ad valorem plus two thousand and five hundred rupees per metric tonne.”;
	(b) sub-Items (3) and (4) shall be renumbered as sub-Items (2) and (3) respectively ;	
	(iv) in Item No. 23, for sub-Item (1), the following sub-Item shall be substituted, namely :—	
	“(1) Grey portland cement (including ordinary portland cement, portland-pozzolana cement and portland slag cement), masonry cement, rapid hardening cement, low heat cement and water-proof (hydrophobic) cement.	Two hundred and fifty rupees per metric tonne.”;
	(v) in Item No. 30, for sub-Item D, the following sub-Item shall be substituted, namely :—	
	“D. Parts of electric motors (including diecast rotors).	Twenty per cent. ad valorem.”;
	(vi) in Item No. 34, under “I. Motor Vehicles—”, for sub-Item (2), the following sub-Item shall be substituted, namely :—	
	“(2) Motor vehicles of engine capacity not exceeding 2500 cubic centimeters—	
	(i) Motor vehicles with body—	
	(a) saloon cars	Five per cent. ad valorem plus sixteen thousand rupees per car.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
(b) others		Twenty-five per cent. ad valorem.
(ii) Other motor vehicles (including chassis whether or not with cab).		Thirty per cent. ad valorem."

THE FOURTH SCHEDULE

[See section 54 (b)]

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

In the First Schedule to the Central Excises Act, —

(i) for Item No. 25, the following Item shall be substituted, namely :—

"25. IRON AND STEEL, AND PRODUCTS
THEREOF, THE FOLLOWING, NAMELY :—

(1) Pig iron, cast iron and spiegeleisen in pigs, blocks, lumps and similar forms ; and molten iron	Seventy rupees per metric tonne.
(2) Ferro-alloys	Ten per cent. ad valorem.
(3) Waste and scrap	
(i) of iron	Seventy rupees per metric tonne.
(ii) of steel	Three hundred and fifty rupees per metric tonne.
(4) Shot and angular grit, whether or not graded ; and wire pellets	
(i) of iron	Seventy rupees per metric tonne.
(ii) of steel	Seven hundred and fifty rupees per metric tonne.
(5) Iron or steel powders ; sponge iron or steel	Ten per cent. ad valorem.
(6) Puddled bars, pilings, ingots, blocks, lumps and similar forms of iron or steel	
(i) puddled bars and pilings of iron	Seventy rupees per metric tonne.
(ii) ingots, blocks, lumps and similar forms of steel	Three hundred and fifty rupees per metric tonne.
(iii) not elsewhere specified	Three hundred and fifty rupees per metric tonne.
(7) Blooms, billets, slabs and sheet bars (including tinplate bars) and hoe bars	

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
(i) of iron		Seventy rupees per metric tonne.
(i) of steel		Three hundred and fifty rupees per metric tonne.
(8) Pieces roughly shaped by rolling or forging of iron or steel, not elsewhere specified		Three hundred and fifty rupees per metric tonne.
(9) Bars (including flats) and rods (including wire rods) of iron or steel, rolled, finished, whether in straight lengths or in coils; hollow mining drill steel		
(i) flats		One thousand three hundred and fifty rupees per metric tonne;
(ii) others		Three hundred and fifty rupees per metric tonne.
(10) Railway track construction material, the following:		
Rails, sleepers and sleeper bars		Three hundred and fifty rupees per metric tonne.
(11) Angles, shapes and sections of iron or steel, not elsewhere specified, other than slotted angles and slotted channels, rolled, forged, extruded, formed, finished; sheet piling of iron or steel whether or not drilled, punched or not drilled, punched or made from assembled elements		Three hundred and fifty rupees per metric tonne.
(12) Hoops, strips and skelp of iron or steel, whether galvanised or not		One thousand three hundred and fifty rupees per metric tonne.
(i) hoops and strips		
(ii) skelp		
(13) Coils for re-rolling, sheets, and universal plates of iron or steel, hot or cold-rolled, whether galvanised or not; forms such as ridges, channels, rainwater pipes and their fittings made from sheets, plates, or universal plates; and tin plate and tinned, lacquered tin taggers and cuttings of such plates, sheets or taggers—		
(i) galvanised sheets, plates and forms		One thousand three hundred and fifty rupees per metric tonne.

No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(ii) tin plate and tinned sheets including tin taggers and cuttings of such plates, sheets or taggers	One thousand seven hundred and fifty rupees per metric tonne.
	(iii) lacquered sheets, varnished sheets including cuttings of lacquered sheets and varnished sheets	One thousand two hundred and fifty rupees per metric tonne.
Item	(iv) others	One thousand three hundred and fifty rupees per metric tonne.
	(14) Iron or steel wire, whether or not coated but not insulated	Three hundred and fifty rupees per metric tonne.
	(15) Tubes and pipes and blanks therefor, of iron or steel, rolled, forged, spun, cast, drawn, annealed, welded or extruded	One thousand rupees per metric tonne, <i>plus</i> the <i>exise</i> duty for the time being leviable on pig iron or steel ingots, as the case may be.
	(16) Castings of iron or steel, not otherwise specified	
	(i) of iron	Seventy rupees per metric tonne.
	(ii) of steel	Seven hundred and fifty rupees per metric tonne.

Explanation.— In this Item,—

- (i) "iron" includes pig iron, cast iron and spiegeleisen ;
(ii) "pig iron" and "cast iron" mean ferrous products containing, by weight, 1.9 per cent., or more of carbon, and which may contain one or more of the following elements within the weight limits specified :

less than 15 per cent. phosphorous,
not more than 8 per cent. silicon,
not more than 6 per cent. manganese,
not more than 30 per cent. chromium,
not more than 40 per cent. tungsten, and

an aggregate of not more than 10 per cent. of other alloy elements (for example, nickel, copper, aluminium, titanium, vanadium, molybdenum) but does not include ferrous alloys known as "non-distorting tool steels" containing by weight, 1.9 per cent., or more of carbon and having the characteristics of steel ;

(iii) "spiegeleisen" means ferrous products containing, by weight, more than 6 per cent. but not more than 30 per cent. of manganese and otherwise conforming to the specifications mentioned in (ii) above ;

(iv) "ferro-alloys" means alloys of iron (other than master alloys) which are not usefully malleable and are commonly used as raw material in the manufacture of ferrous metals and which contain, by weight, separately or together :

more than 8 per cent. of silicon, or
more than 30 per cent. of manganese, or
more than 30 per cent. of chromium, or
more than 40 per cent. of tungsten, or
a total of more than 10 per cent. of other alloy elements (aluminium, titanium, vanadium, copper, molybdenum, niobium or other elements, subject to a maximum content of 10 per cent. in the case of copper), and which contain, by weight not less than 4 per cent. in the case of ferro-alloys containing silicon, not less than 8 per cent. in the case of ferro-alloys containing manganese but no silicon or not less than 10 per cent. in other cases, of the element iron ;

(v) "puddled bars" and "pilings" mean products for rolling, forging or re-melting obtained either—

(i) by shingling balls of puddled iron to remove the slag arising during puddling, or

(ii) by roughly welding together by means of hot rolling, packets of scrap iron or steel or puddled iron ;

(vi) "ingots" means products for rolling or forging obtained by casting into moulds ;

(vii) "blooms" and "billets" mean semi-finished products of rectangular section, of a cross-sectional area exceeding 1,225 square millimetres and of such dimensions that the thickness exceeds one-quarter of the width ;

(viii) "slabs" and "sheet bars (including tinplate bars)" means semi-finished products of rectangular section, of a thickness not less than 6 millimetres, of width not less than 150 millimetres and of such dimensions that the thickness does not exceed one quarter of the width ;

(ix) "waste and scrap" means waste and scrap of iron or steel fit only for the recovery of metal or for use in the manufacture of chemicals, but does not include slag, ash and other residues ;

(x) "hollow mining drill steel" means steel hollow bars of any cross-section, suitable for mining drills, of which the greatest external dimension exceeds 15 millimetres but does not exceed 50 millimetres, and of which the greatest internal dimension does not exceed one-third of the greatest external dimension ;

(xi) "angles, shapes and sections" means products which do not have cross-sections in the form of circles, segments of circles, ovals, isosceles triangles, rectangles, hexagons, octagons or quadrilaterals with only two sides parallel and the other two sides equal, and which are not hollow ;

(xii) "skelp" means hot-rolled narrow strip of width not exceeding 600 millimetres with rolled (square, slightly round or bevelled) edge ;

(xiii) "hoops" means hot-rolled flat products in rectangular cross-section of thickness less than 3 millimetres and width less than 75 millimetres ;

(xiv) "strips" means hot or cold-rolled products, rolled approximately in rectangular cross-section of thickness usually 10 millimetres and below with mill, rolled, trimmed or sheared edges and supplied in coil or flattened coil (straight length) form but excludes hoop and skelp ;

(xv) "coils for re-rolling" means coiled semi-finished hot-rolled products, of a rectangular section, not less than 1.5 millimetres thick, of a width exceeding 500 millimetres and of a weight not less than 500 kilograms per piece;

(xvi) "universal plates" means products of rectangular section, hot-rolled lengthwise in a closed box or universal mill, of a width exceeding 150 millimetres but not exceeding 1,200 millimetres;

(xvii) "plate" means a hot or cold-rolled flat product, rolled from an ingot or slab or sheet bar or produced by cold reduction of coils, in rectangular cross-section of thickness 5 millimetres and above but not exceeding 100 millimetres and width 600 millimetres and supplied in straight lengths;

(xviii) "sheet" means a hot or cold-rolled flat product, rolled in rectangular section of thickness below 5 millimetres and supplied in straight lengths, the width of which is at least hundred times the thickness and the edges are either mill, trimmed, sheared or flame cut;

(xix) "wire" means cold drawn products of solid section of any cross-sectional shape, of which no cross-sectional dimension exceeds 13 millimetres;

(xx) "bars (including flats) and rods (including wire rods)" means products of solid section which do not conform to the entirety of any of the definitions at (vii), (viii), (xi), (xii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) above, and which have cross-sections in the shape of circles, segments of circles, ovals, isosceles triangles, rectangles, hexagons, octagons or quadrilaterals with only two sides parallel and the other sides equal;

(xxi) "flats" means finished products, generally of rectangular cross-sections, having rolled edges only (square or slightly rounded), of controlled contour and thickness 3 millimetres and over, width 400 millimetres and below and supplied in straight lengths and includes flat bars with bulb that has swelling on one or two faces of the same edge and a width of less than 400 millimetres."

(ii) Item Nos. 26, 26AA and 28 shall be omitted.

THE FIFTH SCHEDULE

(See section 56)

In the First Schedule to the Additional Duties of Excise Act,—

(i) In the Item No. 4, under "II. Manufactured tobacco—", for the entry in the third column against sub-Item (2), the entry "One hundred and sixty rupees per thousand or one hundred and ten per cent. *ad valorem* plus ten rupees per thousand, whichever is higher", shall be substituted;

(ii) in Item No. 19, for each of the entries in the third column against sub-Items III and IV, the entry "The duty for the time being leviable on the base fabrics, if not already paid, *plus* ten per cent. *ad valorem*." shall be substituted;

(iii) in Item No. 22, for each of the entries in the third column against sub-Items (3) and (4), the entry "The duty for the time being leviable on the base fabrics, if not already paid *plus* ten per cent. *ad valorem*." shall be substituted.

END

PART III
PRESIDENT'S ACTS & ORDINANCES
CENTRAL GOVERNMENT

1983

Published in the Gazette of India, Extraordinary, Part II,
Section 1, No. 45 dated September 24, 1982

THE ASSAM TAXATION LAWS (AMENDMENT) ACT, 1982
PRESIDENTS ACT NO. 1 OF 1982

Enacted by the President in the Thirty-third Year of the Republic of India.

An Act further to amend the Assam Agricultural Income-tax Act, 1939, the Assam Purchase Tax Act, 1967 and the Assam (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation Act, 1955.

In exercise of the powers conferred by section 3 of the Assam State Legislature (Delegation of Powers) Act, 1982 (25 of 1982) the President is pleased to enact as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Assam Taxation Laws (Amendment) Act, 1982**.

(2) It shall be deemed to have come into force on the 1st day of April, 1982, except section 4 which shall come into force at once.

REASONS FOR THE ENACTMENT

The Assam Agricultural Income-tax Act, 1939, and the Assam Purchase Tax Act, 1967, require that the rates of tax under these two Acts for every financial year should be specified in the annual Assam Finance Act. It has, thereof, become necessary to lay down the rates of tax for the year 1982-83. The requirement to enact a separate Finance Act every year to specify the rates of agricultural income-tax and purchase tax for that year leads to difficulties when passage of the annual Finance Act is delayed for any reasons. It is therefore, proposed to incorporate the rates of tax effective from the 1st April, 1982, in the principal Acts themselves. This will dispense with the need for an annual Finance Act. It is also proposed to give some relief to the tea industry in the matter of agricultural income-tax in view of the difficulties currently confronting the industry.

2 It is also proposed to fix the rates of sales tax in Assam on petroleum products fully on ad valorem basis instead of specific rates tax and also to make some upward revision in the rates by suitably amending the Assam (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation Act, 1955.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Assam State Legislature (Delegation of Powers) Act, 1982, (25 of 1982), has been consulted before the enactment of this measure as a President's Act.

2. *Amendment of Assam Act IX of 1939.*—In the Assam Agricultural Income-tax Act, 1939,—

(i) in section 2, after clause (o), the following clause shall be inserted, namely :—

“(oa) “Schedule” means the Schedule to this Act;

(ii) in section 3, for the words “the Assam Finance Acts”, the words “the Schedule” shall be substituted ;

(iii) for section 6, the following section shall be substituted, namely :—

“6. *Limit of taxable income and rate of tax.*—Agricultural income-tax shall be payable by every person whose total agricultural income of the previous year exceeds the limits specified in the Schedule at such rates as are specified therein.”;

(iv) After section 50, the following Schedule shall be inserted, namely :—

‘SCHEDULE’

[See sections 2 (oa), 3 and 6]

Rates

A. In the case of every company—

(a) The total income of which does not exceed Rs. 1,00,000 on the whole of the total income Fifty-two paise in the rupee;

(b) The total income of which exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 on the whole of the total income Sixty-five paise in the rupee;

(c) The total income of which exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000 on the whole of the total income Seventy paise in the rupee;

(d) The total income of which exceeds Rs. 5,00,000 on the whole of the total income Seventy-five paise in the rupee.

B. In the case of persons, other than companies—

(a) On the first Rs. 1,000 of the Nil; income

(b) On the next Rs. 5,000 of the total income Ten paise in the rupee;

(c) On the next Rs. 5,000 of the total income Fifteen paise in the rupee;

(d) On the next Rs. 10,000 of the total income Thirty paise in the rupee;

(e) On the next Rs. 25,000 of the total income Forty-five paise in the rupee;

(f) On the next Rs. 50,000 of the total Sixty paise in the rupee; income

(g) On the next Rs. 1,00,000 of the Seventy paise in the total income rupee;

(h) On the balance of the total income Seventy-five paise in the rupee;

Provided that—

(i) no agricultural income-tax shall be payable on a total agricultural income which does not exceed Rs. 12,000;

(ii) in respect of paragraph A, the residual income shall not fall short of the following limits, and in any case where the residual income falls short of the said limits the agricultural income-tax payable shall be so reduced as to leave a residual income not falling short of such limits—

(a) rupees forty-eight thousand increased by one per cent. of the excess of the total agricultural income over Rs. 1,00,000 in the case of every company the total agricultural income of which exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000;

(b) rupees seventy thousand increased by two and a half per cent. of the excess of the total agricultural income over Rs. 2,00,000 in the case of every company the total agricultural income of which exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000;

(c) rupees one lakh and fifty thousand increased by five per cent. of the excess of the total agricultural income over Rs. 5,00,000 in the case of every company the total agricultural income of which exceeds Rs. 5,00,000.

Explanation.—In this clause, “residual income”, in relation to any company, means its total agricultural income reduced by the agricultural income-tax payable in respect thereof;

(iii) in respect of paragraph B, the agricultural income-tax payable shall not exceed one-half the amount by which the total agricultural income exceeds Rs. 12,000 in cases where the total agricultural income does not exceed Rs. 17,000.

3- *Amendment of Assam Act XIX of 1967.*—In the Assam Purchase Tax Act, 1967,—

(i) in section 3. in sub-section (1),—

(a) for the words “the Annual Assam Finance Act”, the words “the Schedule” shall be substituted;

(b) the first proviso shall be omitted;

(c) in the second proviso, for the words “Provided further that”, the words “Provided that” shall be substituted;

(ii) for the Schedule, the following Schedule shall be substituted, namely—

"SCHEDULE

[See sections 2 (14A) and 3 (1)]

(1) No.	(2) Description of goods	(3) Rate of tax
1.	Raw jute	Four paise in the rupee.
2.	Raw hides and skins	Three paise in the rupee
3.	Bones of animals, birds, reptiles and fishes	Three paise in the rupee.
4.	Paddy	Two paise in the rupee "

4. *Amendment of Assam Act IX of 1956.*—In the Assam (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation Act, 1955, in section, 3, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1), There shall be levied and collected from every dealer a tax on his turnover from sales of the following goods at the rates specified against each :—

- | | |
|--|----------------------------|
| (i) Motor spirit (except diesel oil and internal combustion oil other than petrol) | Ten paise in the rupee; |
| (ii) Lubricants | Nine paise in the rupee; |
| (iii) Diesel oil and other internal combustion oils other than petrol | Eleven paise in the rupee; |
| (iv) Kerosene not ordinarily used as an internal combustion oil | Two paise in the rupee; |
| (v) Crude oil | Four paise in the rupee; |
| (vi) Petroleum coke | Four paise in the rupee; |
| (vii) Petroleum gas and natural gas | Seven paise in the rupee; |
| (viii) All other products obtained as derivatives of petroleum and/or natural gas | Seven paise in the rupee." |

ZAIL SINGH,
President

**THE DELHI ADMINISTRATION (AMENDMENT)
ORDINANCE, 1983**

Published in the Gazette of India, Extraordinary, Part II,
Section 1, No. 1, dated January 2, 1983.

ORDINANCE NO. 1 OF 1983

Promulgated by the President in the Thirty-third Year of the
Republic of India.

An Ordinance to amend the Delhi Administration Act, 1966.

Whereas Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take
immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promul-
gate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be
called the Delhi Administration (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 3.*—In the Delhi Administration Act,
1966 (19 of 1966) (hereinafter referred to as the principal Act), in section
3, for sub-section (5), the following sub-section shall be substituted,
namely :—

(5) For the purposes of this section and section 4, the expression
“population” means the population as ascertained at the last preceding
census of which the relevant figures have been published :

Provided that the reference in this sub-section to the last preceding
census of which the relevant figures have been published shall, until
the relevant figures for the first census taken after the year 2000 have
been published, be construed as a reference to the 1971 census.

3. *Amendment of section 4.*—In section 4 of the principal Act,
after sub-section (5), the following sub-section shall be inserted,
namely :—

“(6) For the removal of doubts, it is hereby declared that until the
relevant figures for the first census taken after the year 2000 have been
published, it shall not be necessary to readjust the division of Delhi
into constituencies under this section.”

ZAIL SINGH,
President.

**THE DELHI MUNICIPAL CORPORATION (AMENDMENT)
ORDINANCE, 1983**

Published in the Gazette of India, Extraordinary, Part II,
Section 1, No. 2, dated January 2, 1983.

ORDINANCE NO. 2 OF 1983

Promulgated by the President in the Thirty-third Year of the
Republic of India.

An Ordinance further to amend the Delhi Municipal Corporation
Act, 1957.

Whereas Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take
immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Delhi Municipal Corporation (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Insertion of new section 5A.*—In the Delhi Municipal Corporation Act, 1957, (66 of 1957.) after section 5, the following section shall be inserted, namely :—

“5-A. *Special provision as to delimitation, etc.*—Notwithstanding anything contained in section 3 or section 5, until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary,

(a) to alter the number of councillors and the number of councillors to be reserved for the members of the Scheduled Castes as determined under section 3 on the basis of the Delhi as ascertained at the 1971 census, or

(b) to alter the number of wards, or the extent of any ward, as determined under section 5 on the basis of the population of Delhi as ascertained at the 1971 census,

and for this purpose, the reference in sub-section (6) of section 3 to each census and the references to population in that sub-section and in sub-section (1) of section 5 shall be construed, respectively, as references to the 1971 census and to the population as ascertained at the 1971 census.”

ZAIL SINGH
President

THE ANDAMAN AND NICOBAR ISLANDS (ADMINISTRATION) AMENDMENT REGULATION, 1982.

Published in the Gazette of India, Extraordinary, Part II,
Section 1, No. 71, dated December 7 1982.

REGULATION NO. 1 OF 1982.

Promulgated by the President in the Thirty-third Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands (Administration) Regulation, 1979.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1. *Short title and commencement.*—(1) This Regulation may be called the Andaman and Nicobar Islands (Administration) Amendment Regulation, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In the Andaman and Nicobar Islands (Administration) Regulation, 1979 (4 of 1979.) (hereinafter referred to as the principal Regulation), in section 3, for clause (c), the following clause shall be substituted, namely :—

“(c) the Chairman of the Port Blair Municipal Board or, if such Chairman is a salaried servant of Government, the senior Vice-Chairman of the said Board;”.

3. *Amendment of section 4.*—In section 4 of the principal Regulation, for the words “the senior Vice-Chairman of the Port Blair Municipal Board”, the words “the Chairman of the Port Blair Municipal Board, senior Vice-Chairman of the Port Blair Municipal Board” shall be substituted.

ZAIL SINGH
President.

**THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL
BOARDS) AMENDMENT REGULATION, 1983.**

Published in the Gazette of India, Extraordinary, Part II,

Section 1, No. 3, dated January 25, 1983.

REGULATION NO 1 OF 1983

Promulgated by the President in the Thirty-third Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1. *Short title and commencement.*—(1) This Regulation may be called the **Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1983.**

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette appoint.

2. *Amendment of section 2.*—In section 2 of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 (1 of 1957.) (hereinafter referred to as the principal Regulation).—

(i) after clause (3), the following clause shall be inserted, namely :—

“(3-A) “Chairman” means the Chairman of the Board elected under section 13;”;

(ii) after clause (30), the following clause shall be inserted, namely :—

“(30-A) “Vice-Chairman” means a Vice-Chairman of the Board elected under section 14;”;

3. *Amendment of section 8* —In section 8 of the principal Regulation, in sub-section (1),—

(a) in clause (a), the word “and”, occurring at the end of sub-clause (iii), shall be omitted ;

(b) clause (b) shall be omitted ;

(c) in the first proviso, the brackets and words “(including its Chairman)” shall be omitted ; and

(d) in the second proviso, the brackets and words “(including the Chairman)” shall be omitted.

4. *Amendment of section 10.*—In section 10 of the principal Regulation, in sub-section (1), for the brackets and words “(other than

the Chairman or a member nominated ex-officio", the brackets and words "(other than a member nominated ex-officio)" shall be substituted.

5. *Substitution of section 13*—For section 13 of the principal Regulation, the following section shall be substituted, namely :—

"13. *Election of Chairman*—(1) Every Board shall, at a special meeting called on a day fixed by the Chief Commissioner in this behalf, elect one of its members to be its Chairman.

(2) Such officer as may be specified in this behalf by the Chief Commissioner shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Chairman shall be transacted at such meeting.

(4) In the case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer presiding at such meeting.

(5) An elected Chairman shall, notwithstanding the expiry of his term of office as Chairman or member, continue in office until another Chairman is elected and takes over charge of his office.

(6) As soon as may be after the commencement of the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1983, every Board shall elect under sub-section (1) one of its members to be the Chairman and, until the Chairman so elected by the Board takes over charge of his office, the Chairman of the Board holding office immediately before such commencement shall continue in office."

6. *Substitution of section 15*—For the section 15 of the principal Regulation, the following section shall be substituted, namely :—

"15. *Term of office of Chairman and Vice-Chairman*—(1) The term of office of a Chairman or a Vice-Chairman shall be one year from the date of his election as such or the residue of his term of office as a member, whichever is less.

(2) A person who holds or has held the office of Chairman or Vice-Chairman shall, if otherwise qualified, be eligible for being re-elected as such."

7. *Amendment of section 16*—In section 16 of the principal Regulation,—

(a) in sub-section (1), the words "not being a salaried servant of Government nominated under section 13," shall be omitted ;

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) A Chairman or Vice-Chairman may be removed from office by a resolution of the Board passed by a majority of not less than two-thirds of the total number of members for the time being holding office, at a special meeting convened in this behalf in the prescribed manner."

8. *Amendment of section 31*—In section 31 of the principal Regulation, in sub-section (1), for the words "as a member", the words "as Chairman, Vice-Chairman or as a member" shall be substituted.

9. *Amendment of section 58.*—In sub-section (2) of section 58 of the principal Regulation, the words “or, where the Deputy Commissioner is the ex officio Chairman of the Board, of the Chief Commissioner” shall be omitted.

ZAIL SINGH,
President.

**THE ASSAM EXECUTIVE MAGISTRATES (TEMPORARY
POWERS) ACT, 1983**

Published in the Gazette of India, Extraordinary, Part II, Section 1,
No 4, dated January 29, 1983.

PRESIDENTS ACT NO. 1 OF 1983

Enacted by the President in the Thirty-fourth Year of the Republic
of India.

An Act to confer, in view of the extraordinary circumstances prevailing in the State of Assam, certain powers under the Code of Criminal Procedure, 1973, on Executive Magistrates in that State for a temporary period.

In exercise of the powers conferred by section 3 of the Assam State Legislature (Delegation of Powers) Act, 1982 (25 of 1982) the President is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Assam Executive Magistrates (Temporary Powers) Act, 1983.**

(2) It shall come into force at once and shall cease to have effect on the expiry of a period of three months thereafter and section 6 of the Assam General Clauses Act, 1915 (Assam Act 2 of 1915) shall apply to such cesser as if such cesser were a repeal of an Act of the Legislature of the State of Assam by another Act of that Legislature.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Code” means the Code of Criminal Procedure, 1973 (2 of 1974) in its application to the State of Assam;

(b) “Executive Magistrate” means an Executive Magistrate in the State of Assam; and

(c) words and expressions used herein and not defined, but defined in the Code shall have the meanings respectively assigned to them in the Code.

3. *Conferment of temporary powers on Executive Magistrates.*—(1) Notwithstanding anything to the contrary contained in the Code, the Executive Magistrates may, in addition to the Judicial Magistrates exercise powers of remand under section 167 of the Code.

(2) Notwithstanding anything contained in the Code, the Executive Magistrates shall, to the exclusion of any other Magistrate, have power to take cognizance of, and try and dispose of cases relating to,—

(a) offences under the Indian Penal Code (45 of 1860), or any other law for the time being in force punishable with imprisonment which may extend to six months or with fine or with both;

(b) other offences, being offences punishable under Chapter VIII (offences against the public tranquility), and Chapter X (Contempts of

the lawful authority of public servants), of the Indian Penal Code (45 of 1860):

Provided that no sentence of imprisonment for a term exceeding six months shall be passed by an Executive Magistrate in the case of any conviction for an offence referred to in clause (b).

(3) For the purposes of this section, the Code shall have effect subject to the modifications specified in the Schedule and subject to such other modifications as may be necessary.

(4) Nothing in this section shall apply to cases relating to offences taken cognizance of under the Code before the commencement of this Act.

THE SCHEDULE

[See section 3(3)]

MODIFICATIONS IN THE CODE

1. In section 167 of the Code,—

(a) in sub-section (1), the reference to “Judicial Magistrate” shall be construed as a reference also to Executive Magistrate;

(b) in sub-section (2),—

(i) for the word “Magistrate”, at the first two places where that word is preceded by the definite article, the words “Judicial Magistrate or the Executive Magistrate, as the case may be,” shall be substituted;

(ii) for the word “Magistrate”, at the place where that word is preceded by the indefinite article “a”, the words and brackets “Magistrate (whether Judicial or Executive)” shall be substituted;

(iii) paragraph (c) of the proviso shall be omitted;

(c) sub-section (2A) shall be omitted;

(d) in sub-section (4), for the words “to the Chief Judicial Magistrate”, the words “where such Magistrate is a Judicial Magistrate, to the Chief Judicial Magistrate, and where such Magistrate is an Executive Magistrate, to the Sessions Judge” shall be substituted.

2. In section 190 of the Code, in sub-section (1), after the words “any Magistrate of the first class,”, the words “any Executive Magistrate,” shall be inserted.

3. In section 191 of the Code, the reference to “Chief Judicial Magistrate” shall, in relation to an offence taken cognizance of by an Executive Magistrate, be construed as a reference to the District Magistrate.

4. In section 374 of the Code, in clause (a) of sub-section (3), for the words “Magistrate of the first class, or of the second class”, the words “Magistrate of the first class, Executive Magistrate or a Magistrate of the second class,” shall be substituted.

ZAIL SINGH,
President

REASONS FOR THE ENACTMENT

The agitation in Assam has put the law and order machinery as well as the machinery for the administration of Justice in the State under considerable strain. The agitationists have given a call for the further intensification of the agitation. The machinery for the administration

of justice which is already under severe pressure of work may not be able to cope with the situation. For dealing effectively with the extraordinary circumstances prevailing in the State of Assam, it is considered necessary to amend the Code of Criminal Procedure, 1973 in its application to the State of Assam temporarily, for a period of three months, to entrust the trial of petty offences and offences having a bearing on peace and public tranquillity exclusively to the Executive Magistrates and to enable them to exercise the powers to grant remand concurrently with the Judicial Magistrates. The present measure seeks to achieve these objects.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Assam Legislation constituted under the proviso to sub-section (2) of section 3 of the Assam State Legislature (Delegation of Powers) Act, 1982. The measure is accordingly being enacted without reference to the Consultative Committee.

**THE SOCIETIES REGISTRATION (DELHI AMENDMENT)
ORDINANCE, 1983**

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 16, Dated June 22, 1983.

ORDINANCE No. 3 OF 1983

Promulgated by the President in the Thirty-fourth Year of the Republic of India.

An Ordinance further to amend the Societies Registration Act, 1860 as in force in the Union territory of Delhi.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Societies Registration (Delhi Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of Act 21 of 1860.*—In the Societies Registration Act, 1860, as in force in the Union territory of Delhi,—

(a) in the long title, for the words "Literary, Scientific and Charitable Societies", the words "Welfare, Literary, Scientific and Charitable Societies" shall be substituted;

(b) in the preamble, for the words "promotion of literature, science or the fine arts", the words "promotion of social welfare, activities conducive to the protection and improvement of the natural environment (including forests, lakes, rivers and wild life), compassion for living creatures, literature, science, sports, games or the fine arts" shall be substituted;

(c) in section 20, for the words "promotion of science, literature or the fine arts," the words "promotion of social welfare, activities

conducive to the protection and improvement of the natural environment (including forests, lakes, rivers and wild life), compassion for living creatures, literature, science, sports, games or the fine arts" shall be substituted.

ZAIL SINGH,
President.

THE ARMS (AMENDMENT) ORDINANCE, 1983

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 17, Dated June 22, 1983.

ORDINANCE NO. 4 OF 1983

Promulgated by the President in the Thirty-fourth Year of the Republic of India.

An Ordinance further to amend the Arms Act, 1959.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Arms (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Arms Act, 1959 (54 of 1959) (hereinafter referred to as the principal Act), in sub-section (1), after clause (f), the following clause shall be inserted, namely :—

"(ff) "magistrate" means an Executive Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974).

3. *Amendment of section 3.*—Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-sections shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), no person, other than a person referred to in sub-section (3), shall acquire, have in his possession or carry, at any time, more than three firearms :

Provided that a person who has in his possession more firearms than three at the commencement of the Arms (Amendment) Ordinance, 1983, may retain with him any three of such firearms and shall deposit, within thirty days from such commencement, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the Armed Forces of the Union, in a unit armoury referred to in the sub-section.

(3) Nothing contained in sub-section (2) shall apply to any dealer in firearms or to any member of a rifle club or rifle association licensed or recognised by the Central Government using a point 22 bore rifle or an air rifle for target practice.

(4) The provisions of sub-sections (2) to (6) (both inclusive) of section 21 shall apply in relation to any deposit of firearms under the proviso to sub-section (2) as they apply in relation to the deposit of any arm or ammunition under sub-section (1) of that section."

4. *Amendment of section 5.*—Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in sub-section (1) as so re-numbered, the proviso shall be omitted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

“(2) Notwithstanding anything contained in sub-section (1), a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having in his possession such arms or ammunition :

Provided that no firearm or ammunition in respect of which a licence is required under section 3 and no arms in respect of which a licence is required under section 4 shall be so sold or transferred by any person unless—

(a) he has informed in writing the District Magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms, ammunition or other arms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or the other arms, and

(b) a period of not less than forty-five days has expired after the giving of such information.”.

5. *Amendment of section 9*—In section 9 of the principal Act, in sub-section (1), in clause (a),—

(a) in sub-clause (i), for the words “sixteen years”, the words “twenty-one years” shall be substituted;

(b) in sub-clause (ii), for the words “a term of not less than six months”, the words “any term” shall be substituted ; and

(c) in sub-clause (iii), for the words and figures “Code of Criminal Procedure 1898 (5 of 1898.)” the words and figures “Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

6. *Amendment of section 13.*—In section 13 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) On receipt of an application, the licensing authority shall call for the report of the officer in charge of the nearest police station on that application, and such officer shall send his report within the prescribed time.

(2A) The licensing authority, after such inquiry, if any, as it may consider necessary, and after considering the report received under sub-section (2), shall subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same :

Provided, that where the officer in charge of the nearest police station does not send his report on the application within the prescribed time, the licensing authority may, if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report.”.

7. *Insertion of new sections 24A and 24B*—In Chapter IV of the principal Act, after section 24, the following sections shall be inserted, namely:—

“24A *Prohibitions as to possession of notified arms in disturbed areas, etc.*—(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area, it is necessary or expedient so to do, it may by notification in the Official Gazette,—

(a) specify the limits of such area ;

(b) direct that before the commencement of the period specified in the notification (which period shall be a period commencing from a date not earlier than the fourth day after the date of publication of the notification in the Official Gazette), every person having in his possession in such area any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms), shall deposit the same before such commencement in accordance with the provisions of sections 21 and for this purpose the possession by such person of any notified arms shall, notwithstanding anything contained in any other provision of this Act (except section 41) or in any other law for the time being in force, as from the date of publication of such notification in the Official Gazette be deemed to have ceased to be lawful ;

(c) declare that as from the commencement of, and until the expiry of, the period specified in this behalf in the notification, it shall not be lawful for any person to have in his possession in such area any notified arms ;

(d) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification,—

(i) to search at any time during the period specified in the notification any person in or passing through, or any premises in, or any animal or vessel or vehicle or other conveyance of whatever nature in or passing through, or any receptacle or other container of whatever nature in, such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container ;—

(ii) to seize at any time during the period specified in the notification any notified arms in the possession of any person in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974.), relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) For the purposes of this section,—

(a) "arms" includes ammunition ;

(b) Where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to 'the period specified in the notification' shall be construed as references to the period as so extended.

24B. Prohibition as to carrying of notified arms in or through public places in disturbed areas, etc.—(1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquility or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do, it may, by notification in the Official Gazette,—

(a) specify the limits of such area ;

(b) direct that during the period specified in the notification (which period shall be a period commencing from a date not earlier than the second day after the date of publication of the notification in the Official Gazette), no person shall carry or otherwise have in his possession any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms) through or in any public place in such area;

(c) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification,—

(i) to search at any time during the period specified in the notification any person in or passing through, or any premises in or forming part of, or any animal or vessel or vehicle or other conveyance of whatever nature, in or passing through, or any receptacle or other container of whatever nature in, any public place in such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container;

(ii) to seize at any time during the period specified in the notification any notified arms being carried by or otherwise in the possession of any person, through or in a public place in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquility as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) For the purposes of this section,—

- (a) "arms" includes ammunition;
- (b) "public place" means any place intended for use by, or accessible to, the public or any section of the public; and
- (c) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to 'the period specified in the notification' shall be construed as references to the period as so extended."

8 *Amendment of section 25.*—In section 25 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely :—

"(1) Whoever—

(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

(c) acquires, has in his possession or carries, or manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7; or

(d) brings into, or takes out of, India any arms or ammunition of any class or description in contravention of section 11, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(1A) Whoever has in contravention of a notification issued under section 24A in his possession or in contravention of a notification issued under section 24B carries or otherwise has in his possession, any arms or ammunition shall be punishable with imprisonment for a term which shall not be less than one year, but which may extend to five years and shall also be liable to fine.

(1B) Whoever—

(a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

(b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such class or description as has been specified in that notification in contravention of that section; or

(c) sells or transfers any firearm which does not bear the name of the maker, Manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of sub-section (1) of that section; or

(d) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or

(e) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or

(f) brings into, or takes out of, India, any arms or ammunition in contravention of section 10 ; or

(g) transports any arms or ammunition in contravention of section 12 ; or

(h) fails to deposit arms or ammunition as required by sub-section (2) of section 3, or sub-section (1) of section 21 ; or

(i) being a manufacturer of, or dealer in, arms or ammunition, fails, on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and shall also be liable to fine :

Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than six months.”;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) Whoever sells or transfers any firearm, ammunition or other arms—

(i) without informing the District Magistrate having jurisdiction or the officer in charge of the nearest police station, of the intended sale or transfer of that firearm, ammunition or other arms ; or

(ii) before the expiration of the period of forty-five days from the date of giving such information to such District Magistrate or the officer in charge of the police station, in contravention of the provisions of clause (a) or clause (b) of the proviso to sub-section (2) of section 5, shall be punishable with imprisonment, for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.”.

9. *Substitution of new section for section 26.*—For section 26 of the principal Act, the following section shall be substituted, namely :—

“26. *Secret contraventions.*—(1) Whoever does any act in contravention of any of the provisions of sections 3, 4, 10 or 12 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle, or any other means of conveyance shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and also with fine.

(2) Whoever does any act in contravention of any of the provisions of sections 5, 6, 7 or 11 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years and also with fine.

() Whoever on any search being made under section 22 conceals or attempts to conceal any arms or ammunition, shall be punishable with imprisonment for a term which may extend to ten years and also with fine."

10. *Amendment of sections 27 and 28.*—In sections 27 and 28 of the principal Act, for the words " , or with fine or with both", the word " , or with fine, or with both", the words "and with fine" shall be substituted.

11. *Amendment of section 29.*—In section 29 of the principal Act, for the words "six months, or with both", the words "three years, or with fine, or with both" shall be substituted.

12. *Amendment of section 30.*—In section 30 of the principal Act, for the words "three months", the words "six months" and for the words "five hundred", the words "two thousand" shall be substituted.

13. *Amendment of section 34.*—In section 34 of the principal Act,—

(a) for the words and figures "Sea Customs Act, (8 of 1878)", the words and figures "Customs Act (52 of 1962)" shall be substituted ;

(b) for the word and figures "section 16", the word and figures "section 58" shall be substituted.

14. *Amendment of sections 37 and 38.*—In sections 37 and 38 of the principal Act, for the words and figures "Code of Criminal Procedure, (5 of 1898)", the words and figures "Code of Criminal Procedure, (2 of 1974)" shall be substituted.

15. *Amendment of section 41.*—In section 41 of the principal Act, in clause (a), for the words "exempt any person or class of persons", the words and brackets "exempt any person or class of persons (either generally or in relation to such description of arms and ammunition as may be specified in the notification)" shall be substituted.

16. *Amendment of section 44.*—In section 44 of the principal Act.—

(a) in sub-section (2), in clause (a), after the words "licensing authorities", the words "including the areas and the categories of arms and ammunition for which they may grant licences" shall be inserted ;

(b) in sub-section (3), for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

ZAIL SINGH,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1,
No. 35, dated October 7, 1983.

THE PUNJAB DISTURBED AREAS ORDINANCE, 1983

ORDINANCE NO. 5 OF 1983

Promulgated by the President in the Thirty-fourth Year of the
Republic of India,

An Ordinance to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

Whereas by a Proclamation issued on the 6th day of October, 1983 by the President under article 356 of the Constitution the powers of the Legislature of the State of Punjab have been declared to be exercisable by or under the authority of Parliament;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 13 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Punjab Disturbed Areas Ordinance, 1983.

(2) It extends to the whole of the State of Punjab

(3) It shall come into force at once.

2. *Definition.*—In this Ordinance, “disturbed area” means an area which is for the time being declared by notification under section 3 to be a disturbed area.

3. *Powers to declare areas to be disturbed areas.*—The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Punjab as may be specified in the notification is a disturbed area.

4. *Powers to fire upon persons contravening certain orders.*—Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

5. *Powers to destroy arms dump, fortified positions, etc.*—Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilized as a hideout by armed gangs or absconders wanted for any offence.

6. *Protection of persons acting under sections 4 and 5.*—No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

ZAIL SINGH,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1,
No 36, dated October 7, 1983.

THE CHANDIGARH DISTURBED AREAS ORDINANCE, 1983
ORDINANCE NO. 6 OF 1983

Promulgated by the President in the Thirty-fourth Year of the Republic of India.

An Ordinance to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the **Chandigarh Disturbed Areas Ordinance, 1983**.

(2) It extends to the whole of the Union territory of Chandigarh.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance,—

(a) “Administrator” means the Administrator of the Union territory of Chandigarh appointed under article 239 of the Constitution ;

(b) “disturbed area” means the area which is for the time being declared by notification under section 3 to be a disturbed area.

3. *Powers to declare areas to be disturbed areas.*—The Administrator may, by notification in the Official Gazette, declare that the whole or any part of the Union territory of Chandigarh as may be specified in the notification is a disturbed area.

4. *Power to fire upon persons contravening certain orders*—Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

5. *Powers to destroy arms dump, fortified positions, etc.*—Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence.

6. *Protection of persons acting under sections 4 and 5.*—No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the Administrator against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

ZAIL SINGH,
President.

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END

PART IV

RAJASTHAN ACTS, ORDINANCES & NOTIFICATIONS

1983

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ga) II,
dated October 1, 1982.

HOME (Gr. VIII) DEPARTMENT

S. O. 93.—*Jaipur, October 1, 1982.*—In exercise of the powers conferred by sub-section (1) of section 3 of the **Rajasthan Motor Vehicles Taxation Act, 1951** (Rajasthan Act No. 11 of 1951), the State Government hereby notifies that all exemptions from tax granted under the said section and in force on 1st October, 1982 shall, after the said date, apply in relation to tax under sub-section (1) of section 4 and not to tax under section 4-B of the said Act.

S. O. 94. *Jaipur, October, 1982.*—In exercise of the powers conferred by sub-section (2) of section 1 of the **Rajasthan Passengers and Goods Taxation (Repealing) Act, 1982** (Rajasthan Act No. 21 of 1982), the State Government hereby appoints 1st October, 1982 as the date on which the said Act shall come into force.

S. O. 95. *Jaipur, October 1, 1982.*—In exercise of the powers conferred by sub-section (2) of section 1 of the **Rajasthan Motor Vehicles Taxation (Amendment) Act, 1982** (Rajasthan Act No. 20 of 1982) the State Government hereby appoints 1st October, 1982 as the date on which the said Act shall come into force.

THE RAJASTHAN LANDS AND BUILDINGS TAX (AMENDMENT) ACT, 1982

The following Act of the Rajasthan State Legislature, received the assent of the Governor on the 29th day of September, 1982 and was published in the Rajasthan Gazette, Extraordinary, Part 4 (ka), dated September 30, 1982

RAJASTHAN ACT NO. 19 OF 1982

An act further to amend the Rajasthan Lands and Buildings Tax Act, 1964.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Rajasthan Lands and Buildings Tax (Amendment) Act, 1982.**

(2) It shall come into force at once.

2. *Amendments of section 15A, Rajasthan Act 18 of 1964.*—In sub-section (3) of section 15A of the Rajasthan Lands and Buildings Tax Act, 1964 (Rajasthan Act 18 of 1964), hereinafter referred to as

the principal Act, in between the words "tax or penalty" and the words "shall be recoverable" the expression "including interest under section 17A" shall be inserted.

3. *Amendment of section 16, Rajasthan Act 18 of 1964.*—In the proviso to section 16 of the principal Act for the words "not less than one half of the tax assessed" the words "whole of the tax assessed" shall be substituted.

4. *Insertion of new section 17A in Rajasthan Act 18 of 1964*—After section 17 of the principal Act, the following new section 17A shall be inserted, namely :—

"17A. *Interest on failure to pay tax or penalty.*—If the amount specified in any notice of demand whether of tax or penalty or both is not paid within the time specified in such notice or in the absence of such specification within 30 days from the date of service of such notice, the assessee shall be liable to pay simple interest on such amount at the rate of 15% per annum for the period he continues to make default in the payment ;

Provided that, where as a result of any order under this Act the amount on which interest is payable under this section, has been reduced the interest shall be reduced accordingly and the excess interest paid, if any, shall be refunded."

THE RAJASTHAN APPROPRIATION (NO. 3) ACT, 1982

The following Act of the Rajasthan Legislature, received the assent of the Governor on 11th October, 1982 and also published in the Rajasthan Gazette, Extraordinary, Part IV (Ka), dated October 12, 1982.

RAJASTHAN ACT NO. 12 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1982-83 ending on the 31st day of March, 1983.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the Rajasthan Appropriation (No. 3) Act, 1982.

(Text Omitted)

THE RAJASTHAN APPROPRIATION (NO. 4) ACT, 1982

The following Act of the Rajasthan Legislature, received the assent of the Governor on 11th October, 1982 and was published in the Rajasthan Gazette, Extraordinary, Part IV (Ka) dated October 12, 1982.

RAJASTHAN ACT NO. 23 OF 1982

An Act to authorise the appropriation of certain further sums from and out of the Consolidated Fund of the State for the Services of the financial year 1975-76 ended on the 31st March, 1976 in excess of the amounts granted for those services and for that year.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Rajasthan Appropriation (No. 4) Act, 1982.

(Text Omitted)

THE RAJASTHAN PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) (AMENDMENT) ACT, 1982

The following Act of the Rajasthan State Legislature received the assent of the President on the 12th day of October, 1982, and was published in the Rajasthan Gazette, Extraordinary, Part 4 (Ka) dated October 13, 1982

RAJASTHAN ACT NO. 24 OF 1982

An Act further to amend the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan Public Premises (Eviction of Unauthorised Occupants) (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 12th day of July, 1982

2. *Amendment of section 2, Rajasthan Act 2 of 1965.*—In clause (b) of section 2 of the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 (Rajasthan Act 2 of 1965), hereinafter referred to as the principal Act,—

(a) at the end of sub-clause (ii), the word “or” shall be and shall be deemed always to have been added ;

(b) after sub-clause (ii), the following sub-clauses and Explanation shall be, and shall be deemed always to have been added, namely:—

“(iii) the Rajasthan State Industrial and Mineral Development Corporation Limited or the Rajasthan State Industrial Development and Investment Corporation Limited and constructed in an Industrial area developed by any of them ; or

(iv) a Panchayat established under the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) ; or

(v) a Panchayat Samiti or a Zila Parishad established under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959) ; or

(vi) a Government Company, as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956) ; or

(vii) Devasthan Department of the Government of Rajasthan or premises managed or controlled by it ; or

(viii) a Wakf as defined in the Wakfs Act, 1954 (Central Act 29 of 1954) and entered in the register of wakfs maintained under section 26 of that Act ; or

(ix) a market committee established under the Rajasthan Agricultural Produce Market Act, 1961 (Rajasthan Act 38 of 1961).

Explanation.—For the removal of doubts, it is hereby clarified that the provisions of this Act shall not apply to any immovable property of a wakf entered as such in the register of wakfs maintained under section 26 and transferred without the previous sanction of the Board of Wakfs in contravention of the provisions of section 36A of the Wakfs Act, 1954 (Central Act 29 of 1954) and the provisions of section 36B of that Act shall continue to apply for the recovery of the possession of such property ;”

3. *Repeal and Savings.*—(1) The Rajasthan Public Premises (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1982 (Ordinance No. 3 of 1982) is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1982

The following Act, of the Rajasthan State Legislature, received the assent of the Governor on the 29th day of September, 1982 and was published in the Rajasthan Gazette, Extraordinary Part 4 (Ka) dated September 30, 1982.

RAJASTHAN ACT NO 20 OF 1982

An Act further to amend the Rajasthan Motor Vehicles Taxation Act, 1951.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Rajasthan Motor Vehicle Taxation (Amendment) Act, 1982.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2, Rajasthan Act XI of 1951.*—In section 2 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan Act XI of 1951), hereinafter referred to as the principal Act,—

(i) before clause (b), the following clauses shall be inserted, namely :—

“(a) “Additional Transport Commississioner” means the person appointed by the State Government to be the Additional Transport Commissioner ;

(aa) “Commissioner” means the person appointed by the State Government to be the Transport Commissioner and includes the Additional Transport Commissioner;”;

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) “tax” means a tax and surcharge imposed under this Act;” and

(iii) for clause (e), the following clause shall be substituted, namely:—

“(e) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) shall

have the meaning assigned to them in that Act as amended from time to time."

3. *Amendment of section 4, Rajasthan Act XI of 1951.*—The existing sub-section (2) of section 4 of the principal Act shall be substituted by the following, namely:—

"(2) Tax shall be payable under this section by the owner of the Motor Vehicle except for the period during which the owner surrenders the certificate of registration to the Taxation Officer in the prescribed manner or satisfies the Taxation Officer that the vehicle has remained out of use for such reasons as may be prescribed;

Provided that the period of such surrender or the period of such non-use, as the case may be, shall be for a period not less than three months:

Provided further that if the vehicle is found plying after the certificate of registration has been surrendered, the owner shall pay the tax for the period during which the certificate of registration remained surrendered."

4. *Insertion of section 4-B, Rajasthan Act XI of 1951.*—After section 4-A of principal Act, the following section shall be inserted, namely :—

"4-B. *Special Road Tax.*—In addition to the tax and surcharge levied under section 4 and 4-A respectively and subject to the rules as may be made by the State Government in this behalf, there shall be levied and paid to the State Government a Special Road Tax on all transport vehicles at the rates fixed by the State Government by notification in the Official Gazette not exceeding the maximum rates specified in Schedule A."

5. *Amendment of section 5, Rajasthan Act XI of 1951.*—In section 5 of the principal Act,—

(i) in sub-section (1), for the expression "section 4", wherever occurring, the expression "section 4 and section 4-B" and for the word "proviso", the word "provisos" shall be substituted; and

(ii) after the existing proviso to sub-section (1), the following proviso and Explanation shall be added, namely:—

"Provided further that the Special Road Tax payable under section 4-B in respect of a stage carriage and contract carriage of such categories as may be prescribed shall be paid monthly in advance or otherwise and on or before such date as may be prescribed.

Explanation:—Unless quarterly and monthly rates of tax are fixed under section 4-B, the amount of tax payable quarterly and monthly shall be one-fourth and one-twelfth respectively of the annual rate of tax fixed under that section."

6. *Amendment of section 6, Rajasthan Act XI of 1951.*—In sub-section (2) of section 6 of the principal Act for the expression "prescribed under sub-section (1)" the word "allowed" shall be substituted.

7. *Amendment of section 6-A, Rajasthan Act XI of 1951.*—In section 6-A of the principal Act,—

(i) for the expression "section 4", the expression "section 4 and section 4-B" shall be substituted; and

(ii) between the words "any quarter" and the word "thereof", the words "or month" shall be inserted.

8. *Amendment of section 8, Rajasthan Act XI of 1951.*—In section 8 of the principal Act,—

(i) in the marginal heading, for the word "Declaration" the words "Declaration or return" shall be substituted;

(ii) in sub-section (1), for the word "declaration", wherever occurring, the words "declaration or return" shall be substituted;

(iii) in sub-section (2), for the words "additional declaration", wherever occurring, the words "additional declaration or additional return" shall be substituted; and

(iv) after sub-section (2) the following sub-section shall be inserted, namely :—

"(3). If any owner without reasonable cause fails to deliver the return within the prescribed time, the Taxation Officer may impose on him a penalty not exceeding Rs.5/- for each day during which the default continues."

9. *Insertion of section 8-A, Rajasthan Act XI of 1951.*—After section 8 of the principal Act, the following section shall be inserted, namely :—

"8-A. *Determination of tax in certain cases.*—(1) An owner of stage carriage may be required to maintain such accounts as may be prescribed and to submit the same to the Taxation Officer as and when required.

(2) If the Taxation Officer is satisfied that tax has not been correctly paid or the owner has not furnished return or has given inaccurate particulars in the return, he shall, after giving the owner a reasonable opportunity of being heard, proceed to determine the amount of tax due and recover the same."

10. *Amendment of section 10, Rajasthan Act XI of 1951.*—For the existing proviso to sub-section (1) of section 10 of the principal Act, the following proviso shall be substituted, namely :—

"Provided that no token shall be issued in respect of a transport vehicle if the Special Road Tax payable under section 4-B and the outstanding dues and further demand created, if any, under the Rajasthan Passengers and Goods Taxation Act, 1959 (Rajasthan Act 18 of 1959), as it stood before the Rajasthan Passengers and Goods Taxation (Repealing) Act, 1982, have not been paid."

11. *Amendment of section 13, Rajasthan Act XI of 1951.*—In section 13 of the principal Act,—

(i) the punctuation mark ";" appearing after the words "arrear of land revenue" shall be substituted by the punctuation mark "." and

(ii) the expression "provided that the Collector shall not so proceed before the expiry of the period within which an appeal may be preferred under section 14 or; if such an appeal has been preferred before it has been decided," shall be deleted.

12. *Amendment of section 13-A, Rajasthan Act XI of 1951.*—In section 13-A of the principal Act, for the words "Deputy Transport Commissioner", the word "Commissioner" shall be substituted.

13. *Amendment of section 14, Rajasthan Act XI of 1951.*—In section 14 of the principal Act,—

(i) in sub-section (1), for the word “assessment”, the word “determination” shall be substituted; and

(ii) for the existing proviso, the following provisos shall be substituted, namely :—

“Provided that the Commissioner may on his own motion or on the application of a person aggrieved made in the prescribed manner and filed within a period of ninety days, call for and examine the record of any proceeding under this Act and revise any such order and may reverse or vary the same :

Provided further that no appeal shall be entertained unless it is accompanied by satisfactory proof of payment of tax or such other amount as is admitted by the appellant to be due from him or of such instalment thereof as might have become payable and further that the Appellate Authority shall not stay the recovery of tax :

Provided also that if the owner of the motor vehicle has preferred an appeal or revision under this section, the Commissioner may, on an application in writing from the owner of such vehicle, stay the recovery of the disputed amount of tax or penalty or any part thereof during the pendency of the appeal or revision if the owner furnishes sufficient security to his satisfaction in such form and in such manner as may be prescribed :

Provided also that if the recovery of tax or any part thereof is stayed under the preceding proviso, the amount of such tax shall be recoverable with interest at such rate as may be prescribed on the amount ultimately found due and such interest shall be payable on such amount from the date the tax first became due ”

14. *Amendment of section 22, Rajasthan Act XI of 1951.*—In sub-section (2) of section 22 of the principal Act,—

(i) in clause (b), after the word and punctuation mark “declaration,” the word and punctuation mark “return,” shall be inserted ;

(ii) in clause (e), for the word “assessment”, the word “determination” shall be substituted ; and

(iii) in clause (g), after the word and punctuation mark “appeals,” the word and punctuation mark “revision,” shall be inserted.

15. *Amendment of the Schedule, Rajasthan Act XI of 1951.*—Part III of the schedule appended to the principal Act shall be substituted by the following, namely :—

“PART-III

Vehicles registered outside the State using roads in Rajasthan under temporary permit—

1. Motor Cabs Rs 80/- per week or part thereof.
2. Other Motor Vehicles intended for conveyance of passengers and luggage in special or temporary circumstances for a limited period. Rs. 500/- for 30 days or part thereof.

3. Goods vehicles

- (i) With RLW not exceeding 3000 kg. Rs. 300/- for 30 days or part thereof.
- (ii) With RLW above 3000 kg. Rs. 500/- for 30 days, or part thereof.

(iii) The trailers drawn by such vehicle, if any, will be charged separately @ Rs. 400- for 30 days or part thereof."

16. *Insertion of Schedule-A, Rajasthan Act XI of 1951.*—After existing schedule, the following schedule shall be added, namely :—

"SCHEDULE—A
(See section 4-B)

S. No.	Description of transport vehicle	Maximum rate of Special Road Tax
1	2	3
1	<i>Stage carriages</i>	
(a)	Ordinary services	Rs. 0.30 paise per seat per 10 kms. for entire distance to be covered during the month.
(b)	Express/Mail services	Rs. 0.40 paise per seat per 10 kms. for entire distance to be covered during the month.
(c)	Semi delux services	Rs. 0.50 paise per seat per 20 kms. for entire distance to be covered during the month.
(d)	Delux services	Rs. 0.60 paise per seat per 10 kms. for entire distance to be covered during the month.
<i>Note :—</i> If the distance to be covered is not exact multiple of ten, the tax for kilometers falling short of ten shall be chargeable pro rata.		
2.	<i>Stage carriages plying exclusively in municipal or city limits</i>	
(i)	First 20 seats	Rs. 750/- per seat per annum.
(ii)	Next 20 seats	Rs. 450/- per seat per annum.
(iii)	Next 20 seats	Rs. 375/- per seat per annum.
3.	Where the owner holds a permit for more than one vehicle with a condition to operate any of the vehicle on the route covered by the permit, the seating capacity shall be reckoned on the average seating capacity of the entire fleet of buses according to the classification of service mentioned at serial No. 1.	
4.	<i>Public and private goods vehicles</i>	
(i)	Load carrying capacity below 2½ metric tonnes	Rs. 750/- per annum
(ii)	Load carrying capacity 2½ metric tonnes and above but below 5 metric tonnes	Rs. 1500/- per annum.
(iii)	Load carrying capacity 5 metric tonnes and above but below 9 metric tonnes	Rs. 2250/- per annum.

1	2	3
	(iv) Load carrying capacity 9 metric tonnes and above	Rs. 3000/- per annum.
	5 <i>Public and private goods vehicles plying on temporary permits under Motor Vehicles Act, 1939.</i>	
	(i) Load carrying capacity below 2½ metric tonnes	Rs. 225/- for 30 days or part thereof.
	(ii) Load carrying capacity 2½ metric tonnes and above but below 5 metric tonnes	Rs. 400/- for 30 days or part thereof.
	(iii) Load carrying capacity 5 metric tonnes and above.	Rs. 500/- for 30 days or part thereof.
	6. <i>Contract Carriages</i>	
	(1) Three wheeled contract carriages including motor cycle rickshaw, scooter or any other three wheeled motor vehicles	
	(a) With seating capacity not exceeding 2 excluding driver	Rs. 90/- per annum.
	(b) With seating capacity exceeding 2 but not exceeding 4 excluding driver	Rs. 300/- per annum.
	(c) With seating capacity exceeding 4 but not exceeding 6 excluding driver	Rs. 560/- per annum.
	(d) With seating capacity exceeding 6 but not exceeding 8 excluding driver	Rs. 750/- per annum.
	(e) With seating capacity exceeding 8 but not exceeding 10 excluding driver	Rs. 975/- per annum.
	(f) With seating capacity exceeding 10 but not exceeding 12 excluding driver	Rs. 1200/- per annum.
	(2) Four wheeled contract carriage including motor cabs, station wagon and mini bus	
	(a) With seating capacity not exceeding 5 excluding driver	Rs. 250/- per seat per annum.
	(b) With seating capacity exceeding 5 but not exceeding 20 excluding driver	Rs. 350/- per seat per annum.
	(c) With seating capacity exceeding 20 excluding driver	Rs. 900/- per seat per annum.
	(3) All motor vehicles plying on hire on temporary permits under the Motor Vehicles Act, 1939	
	(a) three wheeled motor cycle rickshaw, or any other three wheeled motor vehicle with seating capacity not exceeding 2 excluding driver.	Rs. 90/- for 30 days or part thereof.
	(b) three wheeled motor cycle rickshaw, or any other three wheeled motor vehicle with seating capacity exceeding 2 but not exceeding 4 excluding driver	Rs. 150/- for 30 days or part thereof.
	(c) three wheeled motor cycle rickshaw or any other three wheeled motor	Rs. 175/- for 30 days or part thereof.

vehicle with seating capacity exceeding 4 but not exceeding 12 excluding driver

(d) four wheeled contract carriage including motor cabs, station wagon, mini-bus with seating capacity not exceeding 5 excluding driver. Rs. 45/- for seven days or part thereof.

(e) with seating capacity exceeding 5 but not exceeding 20 excluding driver. Rs. 180/- for 30 days or part thereof

(f) with seating capacity exceeding 20 excluding driver Rs. 0.60 paise per seat per 10 kms. or part thereof."

17. *Repeal and savings.*—(1) The Rajasthan Motor Vehicles Taxation (Amendment) Ordinance, 1982 (Ordinance No. 7 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN LEGISLATIVE ASSEMBLY (OFFICERS AND MEMBERS EMOLUMENTS AND PENSION) (AMENDMENT) ORDINANCE, 1982.

The following Ordinance made and promulgated by the Governor on the 24th day of November, 1982 was published in the Rajasthan Gazette, Extra, Part IV (Ga), dated November 26, 1982.

ORDINANCE NO. 9 OF 1982.

An Ordinance further to amend the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956.

Whereas, the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Thirty-third Year of the Republic of India the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Ordinance, 1982.

2. *Amendment of section 4A, Rajasthan Act 6 of 1957.*—In section 4A of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 (Rajasthan Act 6 of 1957), hereinafter referred to as the principal Act, after Explanation III, the following explanation shall be and shall always be deemed to have been added, namely :—

"*Explanation IV.*—In computing the amount of pension payable to any person under this section, the amount of pension received by him under the Rajasthan Freedom Fighters Aid Rules, 1959 or under any other rules made on the same subject shall not be taken in to account."

3. *Amendment of section 8-B, Rajasthan Act 6 of 1957.*—In section

8-B of the Principal Act, for the words "rupees four thousand" wherever occurring, the words "rupees six thousand" shall be substituted.

4. *Amendment of section 9, Rajasthan Act 6 of 1957.*—In the explanation to sub-section (1) of section 9 of the principal Act,—

(a) for clause (i), the following clause shall be substituted, namely :—

"(i) reimbursement of actual charges on account of consumption of electricity and water up to a maximum limit of rupees one hundred and fifty per month to members residing at Jaipur and occupying their own or hired accommodation or the Government accommodation on standard rent;"

(b) after proviso to clause (ii), the following clause shall be and shall always be deemed to have been inserted, namely :—

"(ii-a) allotment of Government residential accommodation on rent at Jaipur for such period as may be prescribed but not exceeding four months from the date the member ceases to be as such"

5. *Amendment of section 11, Rajasthan Act 6 of 1957.*—In section 11 of the principal Act, after sub-section (2) the following sub-section shall be added, namely :—

"(3) Any rule under this Act may be made so as to have retrospective effect from such date, not earlier than the date of commencement of this Act, as the State Government may, by notification in the Official Gazette, appoint."

O. P. MEHRA,
Governor of Rajasthan.

THE RAJASTHAN CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1982

The following Ordinance made and promulgated by the Governor on the 24th day of November, 1982, was published in the Rajasthan Gazette, Extra ordinary, Part 4 (Ga) dated November 26, 1982.

ORDINANCE NO. 10 OF 1982

An Ordinance further to amend the Rajasthan Co-operative Societies Act, 1965.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Thirty-third Year of the Republic of India, the following Ordinance, namely :—

1. *Short title.*—This Ordinance may be called the Rajasthan Co-operative Societies (Amendment) Ordinance, 1982.

2. *Amendment of section 124, Rajasthan Act 13 of 1965.*—After clause (b) of sub-section (2) of section 124 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), hereinafter referred to as the principal Act, the following Explanation shall be, and shall be deemed always to have been added, namely :—

“Explanation.—For the purpose of this sub-section, Registrar shall not include any other person except Additional Registrar exercising all or any of the powers of the Registrar.”

3. *Amendment of section 128, Rajasthan Act 13 of 1965.—*After the proviso to sub-section (1) of section 128 of the principal Act, the following further proviso and Explanation shall be added, namely :—

“Provided further that the Registrar shall not exercise the powers under this section in case in which an appeal lies to him under this Act.

*Explanation.—*For the purpose of this sub-section, the Assistant Registrar, Deputy Registrar and Joint Registrar exercising all or any of the powers of the Registrar under this Act shall be deemed to be subordinate to the Registrar.”

O. P. MEHRA,
GOVERNOR OF RAJASTHAN.

Published in the Rajasthan Gazette, Extra, Part 4 (kha)
dated December 21, 1982

HOME (Gr. VII) DEPARTMENT

G. S. R. 95.—*Jaipur, December 17, 1982.—*Whereas, draft of rules further to amend the Rajasthan Motor Vehicles Rules, 1951, was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) at page 3 to 5 of the Rajasthan Gazette, Extraordinary, Part 3(B), dated 9-6-1982 under this department notification No. F. 1 (12) Home-7/80 dated 3-6-1982 inviting objections and suggestions from all the persons likely to be effected thereby up to 30-7-1982 ;

And whereas, no objections and suggestions have been received on the said draft ;

Now therefore in exercise of the powers conferred by section 41 of the said Act, the State Government hereby makes the following rules further to amend the Rajasthan Motor Vehicles Rules, 1951, namely :—

RULES

1. (i) These rules may be called **the Rajasthan Motor Vehicles (Amendment) Rules, 1982.**

(ii) They shall come into force with immediate effect.

2. The existing rule 156 of the Rajasthan Motor Vehicles Rules, 1951 shall be substituted by the following, namely :—

“156. *Horn.*—(1) Every Motor Vehicle shall be fitted with a horn available for immediate use by the driver of the vehicle and capable of giving adequate warning of approach or position of the vehicle.

(2) The measured sound level the horn shall conform to I. S. I. specification as given below :—

(a) 85 to 105 dB for horns of Type 1*

(a) 90 to 105 dB for horns of type 2@

(c) 95 to 115 dB for vibrating horns of type 3£

(d) 105 to 125 dB for wind tone horns of type 3.

Note :—These values for sound pressure level are expressed in relation to 2×10^{-5} N/M (rms).

In addition, the acoustic spectrum of sound emitted by the horn should present within the band of frequency of 1800 to 3550 HZ, a

sound pressured level greater than that of all the components of frequency exceeding 3550-HZ order in any case it should be equal to or greater than:—

- (a) 85 dB for horns of Type 1,
- (b) 90 dB for horns of Type 2,
- (c) 95 dB for vibrating horns of Type 3, and
- (d) 105 dB for wind tone horns of Type 3%.

*Type 1 a. c. horns for motor cycles without storage batteries.

@Type 2 d. c. horns for motor cycles with storage batteries.

£Type 3 d. c. horns for motor vehicles.

Published in the Rajasthan Gazette, Extra ordinary, Part 4 (Kha)
dated December 21, 1982

MINES (Gr. 1) DEPARTMENT

G. S. R. 144. *Jaipur, December 21, 1982.*—In exercise of the powers conferred by Section 15 of the Mines & Minerals (Regulation & Development) Act, 1957 (Central Act 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Mineral Concession Rules, 1957, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Minor Mineral Concession (Amendment) Rules, 1982.

(ii) They shall come into force on the date of their publication in the Rajasthan Rajpatra.

2. *Amendment of Schedule III to the said rules.*—The existing entries in respect of the powers delegated to various competent authorities relating to the items 1 to 4, 5 to 8, 43, 50 to 53, 55 to 58 of the Schedule III may be substituted by the following:—

SCHEDULE-III

Delegation of powers under various provisions of Rajasthan Minor Mineral Concession Rules, 1977.

S. No.	Competent authority	Powers
1.	Director, Mines & Geology	Rs. 50,000/-
2.	Supdtg. Mining Engineer	Rs. 25,030/-
3.	Mining Engineer	Rs. 15,000/-
4.	Asstt. Mining Engineer	Rs. 4,000/-

G.S.R. 145. — *Jaipur, December 21, 1982.*—In exercise of the powers conferred by Section 15 of the Mines & Minerals (Regulation & Development) Act 1957 (Central Act No. 67 of 1957), the State Government hereby amends the Rajasthan Mines & Mineral Concession Rules, 1977 as follows, namely:—

1. *Short title & commencement.*—(i) These rules may be called the Rajasthan Mines & Mineral Concession Rules, 1982.

(ii) They shall come into force on the date of their publication in the official Gazette.

2. *Amendment in Rule 7.*—The categories of persons given in rule 7 (3) of the said rules shall be substituted by the following, namely:—

- (i) Persons willing to install crusher (for mining lease of masonry stone only);
- (ii) Manual workers belonging to Scheduled Castes/Scheduled Tribes employed in mines;
- (iii) Manual workers employed in mines;
- (iv) Persons belonging to Scheduled Castes/Scheduled Tribes;
- (v) Persons selected under Integrated Rural Development Programme;
- (vi) Ex-soldiers including members of para-military forces belonging to Rajasthan, who have been permanently disabled or dependents of those who have been killed in action;
- (vii) Rajasthan State Government servants who have been permanently disabled while on duty or the dependents of those who have been killed on duty;
- (viii) Un-employed graduates.

3. *Amendment in Rule 60.*—In the sub-rule (1) of rule 60 of the said rules the words "Rs. 5 per permit" appearing after the words "on payment of fee" shall be substituted by the words "as prescribed below".

(ii) Following shall be added below para one (1) and above first proviso to the sub-rule :—

	Permit fee
(a) STP for quantity of mineral not exceeding 200 tonnes—	Rs. 15/-
(b) STP for quantity of mineral exceeding 200 tonnes but not exceeding 500 tonnes—	Rs. 25/-
(c) STP for quantity of mineral exceeding 500 tonnes—	Rs. 50/-

Published in the Rajasthan Gazette, Extra ordinary, Part 4 (Kha) dated December 20, 1982.

REVENUE (Gr. 4) DEPARTMENT

G. S. R. 97.—(Jaipur December 20, 1982.—In exercise of the powers conferred by sub-section (1) of section 55 of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953), the State Government hereby makes the following rules, further to amend the Rajasthan Land Acquisition Rules, 1956, the same having been previously published in the Rajasthan Gazette, Part 3 (B) dated September 25, 1982 at pages 17 to 21 as required by sub-section (2) of the said section, namely :—

RULES

1. (1) These rules may be called the **Rajasthan Land Acquisition (Second Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. After Part H and before Part I of the Rajasthan Land Acquisition Rules, 1956, the following new Part shall be inserted, namely :—

"PART H-1

Rules for determining compensation to persons interested.

31A. *Compensation to khatedar tenants.*—A khatedar tenant, who has heritable and transferable rights under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), shall be entitled to compensation for the lands acquired from him.

31B. *Compensation to Ghair-khatedar tenant.*—(1) A Ghair-khatedar tenant, who is recorded as such in the revenue record for a period exceeding ten years in non-colony areas and fifteen years in colony areas shall be entitled to compensation for the lands acquired from him :

Provided that no enquiry is pending against such tenant with any competent authority under any Act or rules for the time being in force, and on the conclusion of which there may be possibility of the land being resumed to the state :

Provided further that such Ghair-khatedar tenant in colony areas has paid full price of land to the State Government as per rules under which the allotment was made.

(2) That in case the judicial or quasi-judicial enquiry is pending before the competent authority, the amount of compensation shall be kept in deposit by the Land Acquisition Officer :

Provided that on the final conclusion of the proceedings, the amount shall be disbursed to the Ghairkhatedar tenant if the case is decided in his favour and to the State Government if the land is ordered to be resumed.

(3) That a Ghair-khatedar tenant, other than one referred to above, shall be allotted land of equal value for land acquired in lieu of cash compensation :

Provided that in case normal cultivable un-occupied Government agricultural land is not available for allotment, lands declared surplus under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973), may be allotted to such Ghair-khatedar tenant if he so opts:

Provided further that allotment of land in colony area to a Ghair-khatedar shall be made, if such Ghair-khatedar tenant was a landless person prior to the acquired land allotted to him or the acquired land situated in the Canal Command Area.

(4) Where a Ghair-khatedar tenant does not opt as mentioned in sub-rule (3) or no suitable land of any nature is available for allotment only then the compensation in cash shall be paid to such Ghair-khatedar tenant according to the following formula, namely ;—

Compensation = Market price of land as applicable to khatedar tenants × No. of years elapsed after allotment (treating period as legally determined by period of more than 6 months as permissible.)

Land Acquisition Officer	10	or	15
	(for non-Colony area)		(for Colony area)

(5) Where land is acquired on behalf of the Government of India

or a Company or any other body or Organisation or institution other than the State Government, the Ghair-khatedar tenant shall be paid compensation in accordance with this rule and the balance payment (market price minus compensation paid to Ghair-khatedar) shall be paid to the State Government."

Published in the Rajasthan Gazette, Extra ordinary, Part IV (Kha)
dated December 31, 1982

FOOD & CIVIL SUPPLIES DEPARTMENT

S. O. 155 — *Jaipur, December 31, 1982.*—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1956 (Central Act 10 of 1955) read with the orders of Government of India, Ministry of Agriculture and Irrigation (Department of Food) G.S.R. No. 800, dated 9th June, 1978 and Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) S.O. No. 681 (E), dated 30-11-74 and with the prior concurrence of the Central Government the State Government hereby makes the following order further to amend the Rajasthan Foodgrains and other Essential Articles (Regulation of Distribution) Order, 1976 hereinafter referred to as the said order, namely :—

1. *Short title and commencement.*—(i) This order may be called the **Rajasthan Foodgrains and other Essential Articles (Regulation of Distribution) (Second Amendment) Order, 1982.**

(ii) It shall come into force at once.

2. In the Rajasthan Foodgrains and other Essential Articles (Regulation of Distribution) Order, 1976 the following amendment shall be made, namely :

(i) In sub-clause (a) of clause 2 after the word "Government" the words "or Collector" shall be deleted.

(ii) In sub-clause (1) of clause 9 after the word "Collector" and before the word "is" the expression "or any other officer authorised by the State Government" shall be added;

(iii) In clause 23 after the words "State Government" the words "or the Collector" shall be deleted.

Published in the Rajasthan Gazette, Extra, ordinary, Part IV (Kha)
dated November 18, 1982

FINANCE (Gr.-IV) DEPARTMENT

S. O. 114. (*Jaipur, November 3, 1982.*)—In exercise of the powers conferred by sub-section (2) of section 18 of the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Rajasthan Act 24 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Entertainments and Advertisements Tax Rules, 1957 and orders with reference to the proviso to sub-section (4) of the said section that the previous publication of these rules is dispensed with, as the State Government considers it necessary that these rules should be brought into force at once, namely :—

1. (i) These rules may be called the **Rajasthan Entertainments and Advertisements Tax (Amendment) Rules, 1982.**

(ii) They shall come into force at once.

2. In the Rajasthan Entertainments and Advertisements Tax Rules, 1957, after rule 3, the following new rule shall be inserted, namely :—

3.A- *Utilisation of unused R.P.G.T. stamps for the collection of entertainment tax.*—(1) The proprietors of cinema houses who are required to pay entertainment tax by stamp system, may get stamps issued from the treasury or sub-treasury concerned against deposit of amount through a challan in the Bank authorised to receive payment on behalf of State Government under appropriate head as per their requirements and the treasury or sub-treasury shall issue those unused R.P.G.T. stamps for this purpose on their requisition,

(2) The proprietors of cinema houses shall utilise those unused R.P.G.T. stamps issued from the treasury or sub-treasury against their deposit of amount in the challan under appropriate head for the payment of entertainment tax by affixing those stamps on tickets after super-imposing on them the word entertainment tax, through a rubber seal.

(3) The Commercial taxes officer in whose area the cinema house is situated shall ensure that those unused R.P.G.T. stamps are being issued properly by the treasury or sub-treasury of the area and utilised by the proprietors of the cinema houses properly for the purpose by affixing the same on the tickets after having super-imposed on them the word entertainment tax through a rubber seal.”

Published in the Rajasthan Gazette, Extraordinary, Part IV, (Ga),
dated March 24, 1982

FINANCE (EXCISE) DEPARTMENT

G. S. R. 124 *Jaipur, March 24, 1982.*—In exercise of the powers conferred by section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act II of 1950), the State Government hereby makes the following amendments in the Rajasthan Foreign Liquor (Grant of Wholesale Trade and Retail off Licences) Rules, 1982 and orders with reference to the proviso to sub-section (3) of the said section, that previous publication of these amendments is dispensed with, as the State Government considers that they should be brought into force at once, namely:—

AMENDMENTS

In rule 7 of the said rules,—

(i) in sub-rule (1), for the expression “31st day of March”, the expression “31st day of March unless it is further renewed by the licensing authority for a part of the year” shall be substituted; and

(ii) to sub-rule (2), the following proviso shall be added, namely :—

“Provided that where the licensing authority has renewed the license for a part of the year, the licensee shall pay the prescribed proportionate fee for such part of the year and the excess amount, if any, deposited by him while applying for license for the whole of the year shall be refunded to him.”

Published in the Rajasthan Gazette, Extra Ordinary Part 4, (Ga) dated January 23, 1982.

ELECTION DEPARTMENT

G. S. R. 109. *Jaipur, January 23, 1982.*—In exercise of the powers conferred by Section 297 read with Section 29 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government hereby makes the following amendments in the Rajasthan Municipalities Election Order, 1960 namely :—

AMENDMENTS

In the said order—

1. Form I appended to the said order shall be substituted by the following, namely :—

“FORM I
Notice of Election
(See Clause 7)
(Omitted)

2. In Form II appended to the said order.—

(a) below existing items 2 & 6 of nomination paper, the expression “(iii) ward no.....” shall be added after existing sub-rule “(ii) Serial No. of entry”

(b) in first declaration by candidate, the following new sub-para shall be added after existing sub-para (b), namely :—

“(bb) that I am set up at this election by.....Party”.

(c) existing sub-para (d) shall be omitted.

3. in sub-clause (1) of clause 14 the expression “either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate” shall be substituted by the expression “by the candidate personally”.

ELECTION DEPARTMENT

G. S. R. 110. *Jaipur, January 22, 1982.*—In exercise of the powers conferred by sub-section (1) of Section 297 read with sub-section 5 of section 9 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following amendments in the Rajasthan Municipalities (Appointment of Members/Councillors by Co-op. Order 1959) namely :—

AMENDMENTS

In the said order—

1. existing clause 3 shall be substituted by the following clause, namely :—

“3. *Notice for meeting for Co-option.*—(1) The meeting of members for the co-option of members specified in sub-section (5) of Section 9 of the Act shall be held in the office of the Board at 10 A. M. on the day immediately succeeding the day on which the result of election of members is declared under sub-clause (2) of clause 23 or clause 56 of the Rajasthan Municipalities Election Order, 1960, as the case may be:

Provided, that the State Government may, for reasons to be recorded in writing, direct the election by co-option to be held on some other day and time, as it deems fit.

(2) The Returning Officer shall affix a notice of meeting on the notice board of the Municipality immediately after declaration of the result of election stating therein,—

- (a) the number of persons to be co-opted; namely:—
 - (i) two persons belonging to the female sex if no such person has been returned to the Municipal Board by election;
 - (ii) one person belonging to the female sex if only one such person has been returned to the Municipal Board by election;
- (b) 10 A.M. to 11 A.M. as the time for filing nominations;
- (c) 11.30 A.M. as the time for commencement of scrutiny of nomination papers;
- (d) 2 P. M. as the time before which candidature may be withdrawn;
- (e) 2.30 P. M. to 3.15 P. M. as the hours of poll.
- (f) counting shall be made immediately after completion of poll.

Provided that the Returning Officer may extend time fixed for poll if necessary or may declare the poll as finally concluded earlier in case all the members have voted.

2. in clause 6—

(a) in para (c) of sub-clause (2) the expression “or seconder” shall be omitted.

(b) in para (d) of sub-clause (2) the expression “[sub-para (2) of]” shall be omitted.

3. in sub-clause (1) of clause 8 the word “personally” shall be added at the end.

4. for existing sub-clause (2) of clause 9 the following sub-clause shall be substituted, namely :—

“(2) if the number of such candidates is less than the number of vacancies the Returning Officer shall declare all such candidates duly appointed as co-opted members and the remaining vacancy shall be filled in on any day after the due constitution of Municipal Board.”

5. existing clause 10 shall be omitted.

6. in clause 11—

(a) a new sub-clause (1A) shall be added after sub-clause (1) as follows—

“(1A) The Returning Officer will be assisted by polling officers to be appointed by Collector”

(b) for the existing sub-clause (3) the following sub-clause shall be substituted, namely :—

“(3) The voter shall place a mark or marks on the ballot paper duly authenticated by seal & signatures of the Returning Officer against the name or names of as many candidates as there are seats to be filled with the instrument supplied for the purpose by the Returning Officer & no other instrument”.

7. existing Schedule 1 appended to the said order shall be substituted by the following Schedule, namely:—

“SCHEDULE I

(See para 5)

(Omitted)

Published in the Rajasthan Gazette, Extra. Part IV (Ga.)
dated September 14, 1982

HOME (Gr. VII) DEPARTMENT

G.S.R. 70. (Jaipur September 10, 1982)—Whereas a draft of rules further to amend the Rajasthan Motor Vehicles Rules, 1951 was published as required by sub-section (1) of Section 133 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) in the Rajasthan Rajpatra, Extraordinary, Part 3 (Kha), dated 27-5-82 under this Department Notification of even number dated 26-5-82 inviting objections or suggestion from all the persons likely to be affected thereby upto 6-7-1982.

And whereas no objections or suggestions have been received upto the said date.

Now, therefore, in exercise of the powers conferred by section 44 of the said Act, the State Government hereby makes the following rules further to amend the Rajasthan Motor Vehicles Rules, 1951, namely:—

1. These rules may be called the **Rajasthan Motor Vehicle (Amendment) Rules, 1982.**

2 In the Rajasthan Motor Vehicles Rules, 1951 :—

(i) in sub-rule (a) of rule 77, for the words “five in number” the words “six in number” shall be substituted.

(ii) In the second schedule for Jaipur Region and entries pertaining thereto, the following shall be substituted, namely :—

Jaipur Region-I	Jaipur, Tonk and Sawai	Regional Transport Officer
	Madhopur Districts.	I, Jaipur.
Jaipur Region-II	Jhunjhunu, Sikar, Alwar,	Regional Transport Officer
	Bharatpur, Dholpur and	II, Jaipur.”
	Ajmer Districts.	

Published in the Rajasthan Gazette, Extra Ordinary, Part IV (Ga.),
Dated September 13, 1982

FOOD & CIVIL SUPPLIES DEPARTMENT

G. S. R. 89. Jaipur, September 13, 1982—Whereas the State Government is of the opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of certain essential commodities at fair prices;

Now therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the orders of the Government of India, Ministry of Agriculture & Irrigation (Department of Food) published under G. S. R. No. 800 dated 9th June, 1978 and with prior concurrence of the Central Government, the State Government hereby makes the following Order, namely :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **Rajasthan Food Stuffs (Display of prices by Catering Establishments) Order, 1982.**

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Definitions*—In this order, unless the context otherwise requires :—

(a) "State Government" means the Government of Rajasthan;
(b) "Commissioner" means the Commissioner of Food and Civil Supplies Department Rajasthan and includes Addl. Commissioner and Deputy Commissioner of Food & Civil Supplies Department, Rajasthan;

(c) "Collector" means the Collector of the district and includes Addl. Collector ;

(d) "Food Stuff" means any article of food or combination of articles of food kept for sale or service or supply at a catering establishment and includes liquid refreshments and beverages ;

(e) "Catering establishment" means a hotel, restaurant, eating house (Dhaba or Lodge), cafe, tea shop, coffee stall, club, boarding house (not attached with Educational Institution) canteen or railway refreshment room, where food-stuffs are served, supplied to consumer on payment of prices and includes any other place of like nature open to the public.

(f) "Price" in respect of an item of food-stuff means the amount (excluding sales-tax and service charges) to be paid for that item by a consumer to the catering establishment.

3. *Display of prices of food-stuff.*—(1) The owner or other person or other person in charge of catering establishment shall display at a conspicuous place of the catering establishment the price of every item of food-stuffs in that establishment.

(2) Where sales tax or service charges are to be paid in addition to the price displayed under sub-clause (1), the rate of sales-tax or service charge payable shall be shown separately along with the price.

4. *Owner etc. to furnish information.*—The owner or any other person in charge of a catering establishment shall, when required by the Commissioner or the Collector by general or a special order, furnish truthfully and to the best of his knowledge and belief such particulars or information, as may be required, relating to the food-stuffs kept for sale, service, supply or consumption in that establishment.

5. *Owner etc. to give facilities for inspection* —The owner or any other person in charge of a catering establishment shall give all facilities at all reasonable times to any inspecting authority for inspection of the food-stuffs kept for sale, service or supply at that catering establishment or at any other place used for preparation of food-stuffs for the purpose of that catering establishment.

6. *Power of entry, search and seizure, etc* —(1) An officer of the Food and Civil Supplies Department not below the rank of Enforcement Inspector, or any Executive Magistrate or any other officer of the Government not below the rank of an Enforcement Inspector of the Food and Civil Supplies Department and authorised by the State Government in this behalf within his jurisdiction, may with a view to securing compliance with this order, or to satisfy himself that the provisions of this order have not been contravened,—

(a) require the owner, occupier or any other person incharge of any catering establishment to make any statement or furnish any information or produce any books, accounts or other documents showing transactions relating to food-stuffs and every person so required shall comply with such requisition ;

(b) inspect any food-stuffs, books, accounts or other documents, pertaining to any food-stuffs; and for that purpose enter any premises used or believed to be used for preparation, sale, service or supply of any food-stuffs;

(c) enter, inspect or break open and search any place or premises in which he has reason to believe that any contravention of the provisions of this Order has been; is being or is about to be committed ;

(d) seize any document or take or cause to be taken extracts from or copies of, any documents showing transactions relating to any food-stuffs ;

(e) seize any article, books of accounts or documents, which in his opinion, would be useful for, or relevant to, any proceedings under this order;

(f) search, seize and remove any food-stuff together with packages, coverings, receptacles, vehicles, or vessels in which the food-stuff is found in contravention of the provisions of this order and thereafter take or authorise the taking of all measures necessary for securing the production of such food-stuff and the packages, coverings, receptacles, vehicles or vessels so seized before the Collector and for their safe custody pending such production ; and

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizure under this Order.

7. *Power to Exempt.*—The State Government may, by General or special Order, and subject to such conditions or restrictions, as may be specified in such Order, exempt any catering establishment or class of catering establishments from the operation of all or any of the provisions of this Order and may at any time suspend or rescind such exemption.

Published in the Rajasthan Gazette Extra Ordinary Part IV (Ga.)

dated January 20, 1983

FINANCE (Gr-IV) DEPARTMENT

G. S. R. 150, Jaipur, December 8, 1981.—In exercise of the powers conferred by Rule 6 of the Rajasthan Sales Tax Rules, 1955 and in partial modification of this Department Notification No. F. 5(55)FD/CT/68-29, dated 21st September, 1976, the State Government fixes the jurisdiction of the following Deputy Commissioners (Appeals), Commercial Taxes, as specified against each in column 3 of the schedule appended below :—

SCHEDULE

S. No.	Appellate Authority	Jurisdiction
1	2	3
1.	Deputy Commissioner (Appeals) Commercial Taxes, Jaipur	Revenue Districts of :— 1. Jaipur. 2. Sawaimadhopur. 3. Tonk. 4. Sikar 5. Jhunjhunu

2. Deputy Commissioner (Appeals) Revenue Districts of :—
Commercial Taxes, Bikaner.

1. Bikaner.
2. Churu.
3. Sriganganagar.

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ga)
dated February 10, 1983

REVENUE (Gr. 4) DEPARTMENT

G. S. R. 188. *Jaipur, January 7, 1983.*—In exercise of powers conferred by clause (xviii) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) read with section 101 of the said Act, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970, namely:—

1. (1) These rules may be called the **Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) (Second Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. For the existing sub-rule (2) of rule 1 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970, hereinafter referred to as the said rules, the following shall be substituted, namely :—

“(2) They shall extend to the whole of the State of Rajasthan but the State Government may, by notification in the Official Gazette exclude any area from the application of these rules”

3. After existing clause (iii-A) of rule 2 of the said rules, the following new clause shall be inserted, namely :—

“(iii-B) ‘Landless Agriculturist’ means a resident of Rajasthan who is either a bonafide agriculturist, or an agricultural labourer, and is cultivating or is likely to cultivate the land personally, and whose main source of livelihood is agriculture or any occupation which is subsidiary or subservient to agriculture, and such person does not hold any tenure land anywhere in Rajasthan, or such land which he holds including any land which has been previously allotted to him, is less than one-fifth of the minimum area prescribed in section 53 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) :

Provided that the following categories of persons shall not be considered to be landless agriculturists, namely :—

(a) An employee of the Government, or of a commercial or industrial establishment or concern, his wife and children dependent on him, but a casual or work-charged labourer shall not be treated as an employee for this purpose ;

(b) a person who has sold or otherwise transferred, the whole or part of the land held by, or allotted to him and has, thereby come to hold less than the minimum area specified above.”

4. In clause (a) of rule 7 of the said rules for the words “landless person” the words “landless agriculturist” shall be substituted.

5. In rule 11 of the said rules,—

(a) In sub-rule (1) for the words “landless person as defined in the Tenancy Act,” the words “landless agriculturist” shall be substituted;

(b) in sub-rule (3),—

(i) in clause (aa) for the words “landless persons” the words “landless agriculturist” shall be substituted;

(ii) in clause (b) for the words “landless persons” the words “landless agriculturist” shall be substituted;

(iii) in clause (d) for the words “landless persons” the words “landless agriculturist” shall be substituted;

(iv) in clause (f) for the words “landless persons” the words “landless agriculturist” shall be substituted;

(v) after clause (g) the following proviso shall be inserted, namely:—

“Provided that the State Government may determine the category of persons to whom alone allotment shall be made in any area of the State to be specified.”

6. In proviso the clause (vii) of sub-rule (1) of rule 13 of the said rules for the words “landless person” the words “landless agriculturist” shall be substituted.

7. In clause (c) of sub-rule (8) of rule 14 of the said rules for the words “landless person as defined in the Tenancy Act” the words “landless agriculturist” shall be substituted.

8. In rule 15 of the said rules, for existing sub-rule (2), the following sub-rules be substituted, namely:—

“(2) An order to allotment shall be in Form V and a copy of the same together with a trace of the land, shall be given to the allottee.

(3) Physical possession of the allotted land shall be delivered to the allottee within fifteen days from the date of allotment and, thereupon, a sanad shall be issued in Form VI to the allottee on payment of a fee of rupees five to be credited to Head “IX Land Revenue (i) Miscellaneous VIII-Miscellaneous,”

9. In sub-rule (1) of rule 20 of the said rules for the words “landless person”, the words “landless agriculturist” shall be substituted.

10. For para (1) of Form--II appended to the said rules, the following para shall be substituted, namely:—

“(i) that I am a landless agriculturist as defined in the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes), 1970.”

11. After the existing Form VB appended to the said rules, the following new form shall be inserted, namely:—

“Form VI
FORM OF SANAD
[See rule 15 (3)]

Whereas the land, particulars whereof are given below, has been allotted to Shri.....S/o.....M.....aged.....Resident of under the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970 on the terms and conditions mentioned in the allotment order and in the said rules:

Now, therefore, this Sanad is issued to the said Shri..... in accordance with the provisions of rule 15 (3) of the said rules.

Particulars of Land

1. Name of Tehsil and District
2. Name of Village
3. Khagra Number
4. Area (in acres)
5. Soil Class
6. Sanctioned rent/rate
7. Assessed total rent

Signature of
Sub-Divisional Officer."

Seal of :
Sub-Divisional Officer.

**THE RAJASTHAN LEGISLATIVE ASSEMBLY (OFFICERS
AND MEMBERS EMOLUMENTS AND PENSION)
(AMENDMENT) ACT, 1983**

The following Act of the Rajasthan State Legislature received the assent of the Governor on the 12th day of March, 1983 and was published in the Rajasthan Gazette, Extraordinary Part 4 (Ka) dated March 14, 1983.

RAJASTHAN ACT NO. 1 OF 1983

An Act further to amend the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows:—

1. *Short title.*—This Act may be called the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Act 1983.

2. *Amendment of section 4 A, Rajasthan Act 6 of 1957.*—In section 4 A of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 (Rajasthan Act 6 of 1957), hereinafter referred to as the principal Act, after Explanation III, the following explanation shall be and shall always be deemed to have been added, namely :—

"*Explanation IV.*—In computing the amount of pension payable to any person under this section, the amount of pension received by him under the Rajasthan Freedom Fighters Aid Rules, 1959 or under any other rules made on the same subject shall not be taken into account."

3. *Amendment of section 8 B, Rajasthan Act 6 of 1957.*—In section 8 B of the principal Act, for the words "rupees four thousand" wherever occurring, the words "rupees six thousand" shall be substituted.

4. *Amendment of section 9, Rajasthan Act 6 of 1957.*—In the explanation to sub-section (1) of section 9 of the principal Act,—

(a) for clause (i), the following clause shall be substituted, namely :—

"(i) reimbursement of actual charges on account of consumption of electricity and water upto a maximum limit of rupees one hundred and fifty per month to members residing at Jaipur and occupying their own or hired accommodation or the Government accommodation on standard rent."

(b) after proviso to clause (ii), the following clause shall be and shall always be deemed to have been inserted, namely:—

“(ii-a) allotment of Government residential accommodation on rent at Jaipur for such period as may be prescribed but not exceeding four months from the date the member ceases to be as such”.

5. *Amendment of section 11, Rajasthan Act 6 of 1957.*—In section 11 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:—

“(3) Any rule under this Act may be made so as to have retrospective effect from such date, not earlier than the date of commencement of this Act, as the State Government may, by notification in the Official Gazette, appoint.”.

6. *Repeal and Savings.*—(1) The Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Ordinance, 1982 (Ordinance No. 9 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Ordinance, 1982, shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on 26th day of November, 1982.

THE RAJASTHAN CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1983

The following Act of the Rajasthan State Legislature received the assent of the Governor on the 12th day of March, 1983, and was its published in the Rajasthan Gazette, Extraordinary Part IV (Ka) dated March 14, 1983.

RAJASTHAN ACT NO. 2 OF 1983

An Act further to amend the Rajasthan Co-operative Societies Act, 1965.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows:—

1. *Short title.*—This Act may be called the Rajasthan Co-operative Societies (Amendment) Act, 1983.

2. *Amendment of section 12A, Rajasthan Act 13 of 1965.*—After clause (b) of sub-section (2) of section 124 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), hereinafter referred to as the principal Act, the following Explanation shall be, and shall be deemed always to have been added, namely:—

“*Explanation.*—For the purpose of this sub-section, Registrar shall not include any other person except Additional Registrar exercising all or any of the powers of the Registrar.”

3. *Amendment of section 128, Rajasthan Act 13 of 1965.*—After the proviso to sub-section (1) of section 128 of the principal Act, the following further proviso and Explanation shall be added, namely:—

“provided further that the Registrar shall not exercise the powers under this section in case in which an appeal lies to him under this Act.”

Explanation—For the purpose of this sub-section, the Assistant Registrar, Deputy Registrar and Joint Registrar exercising all or any of

the powers of the Registrar under this Act shall be deemed to be subordinate to the Registrar."

4. *Repeal and Savings*.—(1) The Rajasthan Co-operative Societies (Amendment) Ordinance, 1982 (Ordinance No. 10 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Rajasthan Co-operative Societies (Amendment) Ordinance, 1982 shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 26th day of November, 1982.

THE RAJASTHAN CINEMAS (REGULATION) (AMENDMENT) ACT, 1983.

The following Act of the Rajasthan State Legislature received the assent of the Governor on the 12th day of March, 1983 and was published in the Rajasthan Gazette, Extraordinary, Part IV (Ka) dated March 19, 1983.

RAJASTHAN ACT NO. 3 OF 1983

An Act further to amend the Rajasthan Cinemas (Regulation) Act, 1952.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as under :—

1. *Short title and commencement*.—(1) This Act may be called the Rajasthan Cinemas (Regulation) (Amendment) Act, 1983.

(2) It shall come into force at once.

2. *Amendment of section 8, Rajasthan Act No. XXX of 1952*.—In section 8 of the Rajasthan Cinemas (Regulation) Act, 1952 (Rajasthan Act XXX of 1952), hereinafter referred to as the principal Act,—

(a) the existing provisions shall be numbered as sub-section (1) thereof and in sub-section (1) as so numbered for the words "one thousand rupees" and the words "one hundred rupees", the words "two thousand rupees" and the words "two hundred rupees" respectively shall be substituted; and

(b) after sub-section (1) as so numbered, the following new sub-section shall be inserted, namely :—

"(2) Where a person, whose licence for cinematograph has been revoked under section 9, contravenes any provision of this Act or of the rules made thereunder he shall be punishable with imprisonment which may extend to three months, or with a fine which may extend to five thousand rupees, or with both, and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues."

3. *Insertion of new section 8A, Rajasthan Act No. XXX of 1952*.—After section 8 of the principal Act, the following new section shall be inserted, namely :—

"8A. *Power to arrest without warrant*.—Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (2) of section 8 of the Act."

4. *Amendment of section 9, Rajasthan Act XXX of 1952.*—In section 9 of the principal Act, for the expression “section 8”, the expression “sub-section (1) of section 8” shall be substituted.

Published in the Rajasthan Gazette, Extraordinary Part 4(Ga)
dated March 20, 1983.

FOOD & CIVIL SUPPLIES DEPARTMENT

S O. 234. *Jaipur, March 26, 1983.*—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Agriculture (Deptt. of Food) order published under G S R. No. 860 dated 9th June, 1978 and with the prior concurrence of the Central Government, the State Government hereby makes the following order further to amend the Rajasthan Rice Procurement (Levy) Order, 1982 here-in-after referred to as the said order, namely:—

1. *Short title and commencement*—(i) This order may be called **the Rajasthan Rice Procurement (Levy) (Amendment) Order, 1983.**

(ii) It shall come into force at once.

2. In the Rajasthan Rice Procurement (Levy) Order, 1982, the following amendments shall be made as under:—

(1) The existing sub-clause (5) of clause 3 shall be substituted as under:—

“(5) (i) No miller or wholesaler shall dispose of or otherwise part with possession of any portion of the rice produced or manufactured or got milled or held in stock by him as aforesaid until he has delivered the levy due from him under sub-clause (1);

(ii) Every miller or wholesaler who sells the remaining levy paid Rice stock to any customer shall issue a certificate to that effect that the stock is levy paid and the customer shall carry the certificate with the consignment to the place of destination.”

(2) After sub-clause (6) of clause 3, the following new sub-clause and proviso shall be added:—

“(7) Every Miller or Wholesaler shall deliver due levy rice to the State Government conforming to the specifications laid down in Schedule I appended to the said order :

Provided that in the event of rice offered in levy is not conforming to the specifications it shall be the responsibility of the millers and wholesalers, as the case may be, to bring out such improvements as may be required in regard to admixture, moisture, foreign matter, etc so as to bring it to the level of the specification laid in Schedule I.”

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga)
dated March 17, 1983

REVENUE (Gr. 4) DEPARTMENT

G. S. R. 121. *Jaipur, March 16, 1983.*—In exercise of the powers conferred by clauses (XI-A) of sub-section (2) of section 261, read with sections 90-A, 102 and clauses (a) and (b) of sub-section (1) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan

Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Land Revenue (Allotment, conversion and Regularisation of Agricultural Land for Residential and Commercial purposes in Urban Areas) (Amendment) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment in rule 10.*—In sub-rule (4) of rule 10 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, for the words and figures “400 days” whether occurring the words and figures “522 days” shall be substituted.

Published in the Rajasthan Gazette, Extra ordinary, part IV (Ga.)
dated January 27, 1983

REVENUE (GR-4) DEPARTMENT

G.S.R. 162.—(Jaipur, January 6, 1983.)—In exercise of the powers conferred by clause (xviii) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) read with section 101 of the said Act the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) (Amendment) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 2.*—In the existing clause (vii) of rule 2 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules 1970, for the expression “under sub-section (1) of section 53” the expression “in the Schedule appended to rule 66 of the Rajasthan Tenancy (Government) Rules, 1955 read with section 180 (a) shall be substituted.

Published in the Rajasthan Gazette, Extra ordinary, part IV (Ga.)
dated January 17, 1983

REVENUE (GROUP IV) DEPARTMENT

G.S.R. 111.—(Jaipur, January 17, 1983)—In exercise of the powers conferred by clause (xviii) of sub-section (2) of Section 261 of the Rajasthan Land Revenue Act 1956 (Rajasthan Act 15 of 1956) read with section 101 of the said Act, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970, namely :—

1. (1) These rules may be called the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) (Third Amendment) Rules, 1983

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In proviso to sub-rule (1) of rule 14 of the Rajasthan Land Revenue (Allotment of Land for Agricultural purposes) Rules, 1970, hereinafter referred to as the said Rules, for the expression "31st December, 1977" the expression "31st December, 1978" shall be substituted.

3. In sub-rule (2) of rule 18 of the said Rules, for the expression "31st December, 1977" the expression "31st December, 1978" shall be substituted.

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga)
dated August 8, 1982

REVENUE (Gr. 4) DEPARTMENT

G.S.R. 35. (Jaipur, August 7, 1982.—In exercise of the powers conferred by clause (xi-A) of sub section (2) of section 261, read with section 90-A, 102 and clauses (a) and (b) of sub section (1) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act of 1956) read with section 5, 7 and 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, namely:—

1. (a) These rules may be called the **Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) (Fifth Amendment) Rules, 1982.**

(b) These rules shall come into force from the date of their publication in the Rajasthan Gazette.

2. In sub rule (2) of rule 1 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, hereinafter referred to as the said rules:—

(i) after clause (c) the following new clause shall be added, namely:—

“(d) a Mandi as defined in clause (9) of condition 2 of the Rajasthan Colonisation (Sale and Allotment of Land in Mandies in the Bhakhra and Rajasthan Canal Projects Colony Areas) Conditions, 1973, but not including a Mandi whose jurisdiction is situated in a “Municipal area” or a “periphery Village” as defined in clauses (h) and (i) of rule 2”.

3. After sub-rule (4) of rule 10 of the said rules, the following proviso shall be added, namely:—

“Provided that in the case of a Mandi, the period shall be 180 days which shall be computed from the date of coming into force of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Lands for Residential and Commercial Purposes in Urban Areas) (Fifth Amendment) Rules, 1982.”

4. In rule 11 of the said rules:

(a) after sub-rule (1), the following sub-rule (1a) shall be added, namely:—

(a) A Mandi shall be deemed to be in category 5, as specified in Schedule-I,”

(b) after clause (ii) of sub-rule (4), the following proviso shall be added, namely:—

“Provided that in the case of mandi the period shall be ninety days from the date of coming into force of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) (Fifth Amendment) Rules, 1982.”

5. After serial No. 69 of category No 5 of Schedule I, appended to the said rules, the following new serial number shall be added, namely:—

“70. All Mandis,”

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga)
dated August 31, 1982.

REVENUE (GR.4) DEPARTMENT

G.S.R. 61. (*Jaipur, August 21st, 1982.*)—In exercise of the powers conferred by clause (xi-A) of sub-section (1) of section 261 read with section 90-A, 102 and clauses (a) and (b) of sub-section (1) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling in the this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, namely:—

1. (1) These rules may be called the Rajasthan Land Revenue (Allotment Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) (Sixth Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette,

2. In sub clause (iv) of clause (b) of sub rule (4) of rule 5 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial purposes in Urban Areas) Rules, 1981 hereinafter referred to as the said rules, the figure “5” shall be substituted for the figure “3”.

3. In sub rule (4) of rule 10 of the said rules, the figure “300” shall be substituted for the figure “240”.

Published in the Rajasthan Gazette, Extra ordinary, Part IV (Ga.)
dated August 25, 1982

URBAN DEVELOPMENT & HOUSING (Gr. II) DEPARTMENT

G.S.R. 59. *Jaipur, August 24, 1982.*—In exercise of the powers conferred by section 74 read with section 74 read with sections 43 and 60 of the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act 35 of 1959), the State Government hereby makes the following rules further to amend the Rajasthan Urban Improvement Trust (Disposal of Urban Land) Rules, 1974 and orders with reference to the proviso to sub-section (2) of section 74 of the said Act, that previous publication of these rules is dispensed with as the State Government considers that in public interest they should be brought into force at once, namely :—

1. (i) These rules may be called the **Rajasthan Improvement Trust (Disposal of Urban Land) (Third Amendment) Rules, 1982.**

(ii) They shall come into force on the date of their publication in the official Gazette.

2. For the existing sub-rule (5) of rule 17 of the Rajasthan Improvement Trust (Disposal of Urban Land) Rules, 1974, hereinafter referred as the said rules, the following shall be substituted, namely :—

“(5) *Recovery of cost of land.*—(i) The cost of land shall be recovered from the allottee within a period of thirty days from the date of receipt of intimation for depositing the amount :

Provided that the allottee may deposit the said amount within the next 30 day but an interest @ 15% per annum shall be charged with effect from the date of allotment failing which the allotment of land shall automatically stand cancelled:

Provided further that the Chairman may regularise such allotment of land withdrawing the automatic cancellation within a period of ten months from the date of said automatic cancellation if the allottee is prepared to pay the full amount of cost plus interest @ 15% per annum upto the date of regularisation of allotment of land and in addition also an amount of penalty at the following rates :—

Cost of land

Penalty after the date of

cancellation.

(a) not exceeding Rs. 5,000/-

Rs. 250/- per month.

(b) exceeding Rs. 5,000/- and upto Rs. 10,000/-

Rs. 500/- per month.

(c) exceeding Rs. 10,000/-

Rs. 1000/- per month

(ii) After the expiry of the period of ten months from the date of the said automatic cancellation, the Chairman shall have no power to regularise such allotment of land in any case.

(iii) The Chairman, if he considers necessary in the interest of Trust, may refer the case to the State Government even after the expiry of the period mentioned in clause (ii) above, for regularisation. The State Government, after considering the recommendations made by the Chairman, may permit such regularisation on payment by the allottee, the amount of cost of land plus interest and penalty as provided in clause (i) above, upto the month in which the case was referred to the State Government by the Chairman.”

3. In Annexure (A) appended to the said Rules, for the existing clause (f), the following clause shall be substituted, namely:—

“(f) (i) The successful bidder shall be required to deposit one-fourth of the amount of his bid forthwith on the acceptance of the bid and the remaining three fourth of the amount of the bid shall be deposited by him within one month of the acceptance of the bid and in case of failure to deposit within the next 30 days, interest @ 15% per annum shall be charged retrospectively from the date of acceptance of the bid:

Provided that in case of default in depositing the three-fourth amount of bid within the period prescribed, above, the one-fourth of

the amount of the bid deposited by the bidder shall be forfeited and auction of land shall automatically stand cancelled.

Provided further that the Chairman may regularise such auction of land withdrawing the automatic cancellation within a period of ten months from the date of such automatic cancellation if the successful bidder is prepared to pay the 3/4th amount of the bid-money plus interest @ 15% per annum upto the date of regularisation of auction of land and in addition also an amount of penalty at the following rates :—

Amount of the bid money	Penalty after the date of automatic cancellation
(a) not exceeding Rs. 5,000/—	Rs. 250/— p.m.
(b) exceeding Rs. 5,000/— and upto Rs. 10,000/—	Rs. 500/— „
(c) exceeding Rs. 10,000/—	Rs. 1,000/— „

(ii) After the expiry of the period of ten months from the date of the said automatic cancellation, the Chairman shall have no power to regularise such auction of land in any case.

(iii) The Chairman, if he considers necessary in the interest of Trust, may refer the case to the State Government for regularisation even after the expiry of the period mentioned in sub-clause (i) above. The State Government, after considering the recommendations made by the Chairman, may permit such regularisation on payment by the bidder, the amount of bid plus interest and penalty as provided in sub-clause (i) above upto the month in which the case was referred to the State Government by the Chairman."

THE RAJASTHAN APPROPRIATION (NO. 1) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 28th March, 1983, and was published in the Rajasthan Gazette, Extraordinary Part 4 (Ka) dated March 20, 1983.

RAJASTHAN ACT NO. 4 OF 1983.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1982-83 ending on the 31st day of March, 1983.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows :—

Short title—This Act may be called the Rajasthan Appropriation (No. 1) Act, 1983.

(Text omitted)

THE RAJASTHAN APPROPRIATION (NO. 2) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 26th March, 1983, and was published in the Rajasthan Gazette, Part 4 (ka) dated March 26, 1983.

RAJASTHAN ACT NO. 5 OF 1983.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1983-84 ending on the 31st of March, 1984.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the **Rajasthan Appropriation (No. 2) Act, 1983.**

(Text omitted)

THE RAJASTHAN SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT AND VALIDATION) ACT, 1983

The following Act of the Rajasthan State Legislature which received the assent of the President on the 23rd day of March, 1983, was published in the Rajasthan Gazette, Extraordinary, Part 4 (ka) dated April 2, 1983.

RAJASTHAN ACT NO 6 OF 1983.

An Act further to amend the Rajasthan Shops and Commercial Establishments Act, 1958 and to validate the constitution and appointment of the prescribed authorities and the proceedings, judgements and orders taken before or made by those authorities under the said Act

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the **Rajasthan Shops and Commercial Establishments (Amendment and Validation) Act, 1983.**

2. *Amendment of section 2, Rajasthan Act, 31 of 1958.*—Clause (14) of section 2 of the Rajasthan Shops and Commercial Establishments Act, 1958 (Rajasthan Act 31 of 1958), hereinafter referred to as the said Act, shall be, and shall be deemed always to have been substituted by the following, namely :—

“(14) “prescribed authority” means the authority as may be notified by the State Government in the Official Gazette from time to time;”.

3. *Validation of proceeding taken and decisions made by the prescribed authorities.*—Notwithstanding anything contained in the said Act or in any order enactment or any rule or Notification made or issued thereunder or in any judgement, decree, order or decisions of any court or tribunal,—

(a) all prescribed authorities constituted or appointed under the said Act by the State Government from time to time before the commencement of this Act, shall be, and shall be deemed always to have been validly constituted and duly appointed under the said Act;

(b) all decisions given by such prescribed authorities in any proceedings before the commencement of this Act, shall be deemed always to have been validly given by them as the prescribed authorities of competent jurisdiction under the said Act;

(c) all proceedings taken before the commencement of this Act in the cases before such prescribed authorities, whether finally disposed of or pending, shall be deemed always to have been validly taken before the prescribed authorities of competent jurisdiction ;

(d) no proceedings, whether finally disposed of by, or pending before such prescribed authorities shall be called in question on the ground that such authorities were not validly constituted or duly appointed

under the said Act or the rules or notifications made or issued thereunder ;

(e) all prescribed authorities appointed under the said Act, or the rules or notifications made or issued thereunder and functioning as such at the commencement of this Act, shall be deemed to have been validly constituted and duly appointed and shall continue to function as prescribed authorities of competent jurisdiction till any re-constitution or re-appointment is duly made under the law for the time being in force.

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ka)
Dated March 30, 1983.

HOME (Gr-5) DEPARTMENT

G.S.R. 125, *Jaipur March 26, 1983*.—Whereas a draft of the amendments in the Rajasthan Cinemas (Regulation) Rules, 1959 were published as required by sub-section (3) of section 10 of the Rajasthan Cinemas (Regulation) Act 1952 (Rajasthan Act 30 of 1952), at pages 464 to 468 of the Rajasthan Rajpatra, Part 4 (C-I), dated 14th October, 1982 under this department Notification of even number dated 8th October, 1982; inviting objections and suggestions from all the persons likely to be affected thereby upto 13th November, 1982;

And whereas no objections and suggestions were received on the said draft within the said period;

Now therefore in exercise of the powers conferred by section 10 of the said Act, the State Government hereby makes the following amendments in the Rajasthan Cinemas (Regulation) Rules, 1959, namely :—

AMENDMENTS

In the said rules :—

1. After rule 4, the following new rule shall be inserted, namely :—

“4-A. *Grant of No Objection Certificate* — (1) The licensing authority shall, if satisfied that the site fulfils all the conditions, grant to the applicant a No Objection Certificate in Form (B) for the construction of the cinema building. The Certificate shall be valid for a period of two years from the date of commencement of the construction of the building. The licensing authority on an application made in this behalf, if satisfied that the applicant could not for valid reasons, complete the building within the said period of two years, may extend the validity of such Certificate by a further period not exceeding two years.

(2) In the case of Touring Cinema, the licensing authority shall, if satisfied that the site fulfils all the conditions, grant to the applicant a No Objection Certificate in Form (B) for putting up a cinema. The Certificate shall be valid for a period of six months from the date of its issue”.

2. In Form (B),—

(i) for the expression “(Rule 4 in Part II)” the expression “(Rule 4-A in Part II)” shall be substituted.

(ii) the following expression shall be deleted;—

“This ‘No Objection Certificate’ is valid for a period of two years in the case of permanent cinema, and six months in the case of touring cinemas from the date hereof and if within this period the proposed cinema is not put up a fresh ‘No Objection Certificate’ should be applied for.”

3. For the existing rule 16, the following rule shall be substituted, namely :—

“16. *Situation*—(1) No person shall put up any building or structure or convert existing premises for being used as a cinema except with the previous permission in writing of the licensing authority.

(2) In case of cities having a population of one lakh and above, the licensing authority may grant permission for construction of mini cinemas having a seating capacity of not more than 500 seats ;

Provided that while granting such permission under sub-rules (1) and (2) above, the licensing authority shall satisfy itself about the suitability of site for construction of cinema building or structure or conversion of existing premises for being used as a cinema, keeping in view the instructions issued in this behalf by the State Government from time to time.

4. The existing rule 17 shall be deleted.

5. The existing sub-rule (4) of rule 18 shall be deleted and the sub-rules (5) and (6) shall be renumbered as sub-rules (4) and (5) respectively.

Published in the Rajasthan Gazette, Extraordinary, Part 4 (ka)
dated April 11, 1983

REVENUE (Gr. 4) DEPARTMENT

G.S.R. 1. *Jaipur, April 8, 1983.*—In exercise of the powers conferred by clause (xviii) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) read with section 101 of the said Act, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970, namely :—

1. (1) These rules may be called the **Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) (Fourth Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. For the existing clause (iii-B) of rule 2 of the Rajasthan Land Revenue Allotment of Land for Agricultural Purposes) Rules, 1970, the following shall be substituted, namely :—

“(iii-B). ‘Landless Agriculturist’ means a resident of Rajasthan who is either a bonafide agriculturist, or an agricultural labourer, and is cultivating or is likely to cultivate and personally, and whose main source of livelihood is agriculture or any occupation which is subsidiary or subservient to agriculture, and such person does not hold any tenure land any where in Rajasthan, or the area of such land which he holds

including any land which has been previously allotted to him, is less than the area prescribed in rule 12 :—

Provided that the following categories of persons shall not be considered to be landless agriculturists, namely :—

(a) an employee of the Government, or of a commercial or industrial establishment or concern, his wife and children dependent on him, but a casual or work charged labourer shall not be treated as an employee for this purpose ;

(b) a person who has sold or otherwise transferred, the whole or part of the land held by, or allotted to him and has, thereby, come to hold less than the minimum area specified above "

Published in the Rajasthan Gazette, Extraordinary, Part 4 (ka),
dated April 29, 1983.

REVENUE (Gr. 4) DEPARTMENT

G S R. 5. *Jaipur, April 27, 1983.*—In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A, 102 and clauses (a) and (b) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, namely :—

1. (1) These rules may be called the **Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) (Second Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. (a) In clause (g) of sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, hereinafter referred to as the said rules, after the expression "(Rajasthan Act 35 of 1959)" the expression "and the Jaipur Development Authority Act, 1982 (Rajasthan Act 25 of 1982)" shall be inserted;

(b) In clause (h) of the said rules after the expression "Rajasthan Act 35 of 1959)" the expression "or Jaipur Development Authority constituted under the Jaipur Development Authority Act, 1982 (Rajasthan Act 25 of 1982)" shall be inserted.

3. In rule 12 of the said rules, after the expression and punctuation mark "Urban Improvement Trust", the expression "Jaipur Development Authority" shall be inserted:

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ka),
dated February 19, 1983.

FOOD & CIVIL SUPPLIES DEPARTMENT

S.O. 198. *Jaipur, February 19, 1983*—In pursuance of Section 5 of the Prevention of Black-Marketing and Maintenance of Supplies of

Essential Commodities Act, 1980 (Central Act 7 of 1980) the State Government hereby makes the following order further to amend the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Rajasthan Conditions of Detention) Order, 1980, hereinafter referred to as the said Order, namely:—

1. (1) This Order may be called the **Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Rajasthan Conditions of Detention) (Amendment) Order, 1983.**

(2) It shall come into force at once.

2. For the existing clause 10 of the said Order, the following clause shall be substituted, namely :—

“10. *Interviews* —(1) Save in accordance with an order of the Superintendent or Officer Incharge of Jail (in case where no post of Superintendent exists) in writing no detenu shall be permitted to have an interview with any person other than a Police Officer.

(2) Every detenu may be allowed to have an interview with his relative or friends twice in a week.

(3) Interviews with relatives, i.e wife, husband, father, mother, brother, son, daughter, uncle aunts and Children of brothers and sisters shall be limited to an hour's duration and those with others except with the legal practitioners to half an hour and with the legal practitioners for such duration as may be determined by the Superintendent or if there is no post of Superintendent by the Officer Incharge of Jail.

(4) All interviews shall take place in the presence of an officer not below the rank of Sub-Inspector deputed for the purpose by the concerned Superintendent of Police and such Officer may stop the interview if the conversation turns on any undesirable subject and may also report the matter to the Superintendent who may inflict any of the punishments enumerated in clause 14. Subject to this provision and the place mode of interview shall be determined by the Superintendent or in case if there is no post of Superintendent, by the Officer Incharge of Jail.

(5) The Superintendent or if there is no post of Superintendent then the Officer Incharge of Jail, shall maintain a statement of all interviews between a detenu and his relatives or other persons with the names of the persons present at each interview.”

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga),
dated December 6, 1982

REVENUE (Gr. 4) DEPARTMENT

G.S.R. 94. Jaipur, December 16, 1982 —In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261, read with sections 90-A, 102 and clauses (a) and (b) of sub-section (1) of section 260 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) (Seventh Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Substitution of Schedule-I*—The existing Schedule-I appended to the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Residential and Commercial Purposes in Urban Areas) Rules, 1981, shall be substituted by the following, namely :—

“SCHEDULE—I”

[See Rule 11 (1)]

Category No. 1

Towns :

- | | |
|---------------|------------|
| 1. Ajmer | 2. Bikaner |
| 3. Ganganagar | 4. Jaipur |
| 5. Jodhpur | 6. Kota |
| 7. Udaipur | |

Category No. 2

Towns :

- | | |
|--------------|-------------|
| 1. Alwar | 2. Beawar |
| 3. Bharatpur | 4. Bhilwara |
| 5. Pali | 6. Sikar |

Category No. 3

Towns :

- | | |
|--------------------|-------------------|
| 1. Abu | 2. Amber |
| 3. Banswara | 4. Barmer |
| 5. Baran | 6. Bundi |
| 7. Chittorgarh | 8. Chomu |
| 9. Churu | 10. Dausa |
| 11. Dholpur | 12. Fatehpur |
| 13. Gangapur | 14. Hanumangarh |
| 15. Hindaun | 16. Jhunjhunu |
| 17. Kishangarh | 18. Makarana |
| 19. Nagaur | 20. Nimbahera |
| 21. Pilibanga | 22. Rajsamand |
| 23. Ramganj Mandi | 24. Ratangarh |
| 25. Sangar | 26. Sardar Shahar |
| 27. Sawai Madhopur | 28. Sujargarh |
| 29. Suratgarh | 30. Tonk |

Category No. 4

Towns :

- | | |
|---------------|--------------|
| 1. Anupgarh | 2. Abu Road |
| 3. Bari | 4. Balotra |
| 5. Bhinmal | 6. Bhadra |
| 7. Bayana | 8. Chirawa |
| 9. Dungarpur | 10. Deedwana |
| 11. Dungarpur | 12. Deeg |
| 13. Jhalawar | 14. Jalore |

- | | |
|---------------------|---------------------------------|
| 15. Jaisalmer | 16. Jhalrapatan |
| 17. Karauli | 18. Kuchaman City |
| 19. Khetri | 20. Kerasinghpura |
| 21. Kotputli | 22. Kekri |
| 23. Khairthal | 24. Laxmangarh |
| 25. Ladnu | 26. Malpura |
| 27. Merta City | 28. Nawalgarh |
| 29. Nathdwara | 30. Nokha |
| 31. Nohar | 32. Niwai |
| 33. Neem-ka-thana | 34. Pratapgarh |
| 35. Phalodi | 36. Pilani |
| 37. Padampur | 38. Raisingh Nagar |
| 39. Rajgarh (Churu) | 40. Rawatsar |
| 41. Sangaria | 42. Sojat |
| 43. Sri Karanpur | 44. Sri Vijainagar (Ganganagar) |
| 45. Sirohi | 46. Sri Madhopur |
| 47. Sardul Shahar | 48. Sambhar |
| 49. Vijay Nagar | |

Category No 5

Towns :

- | | |
|------------------|----------------------------|
| 1. Bali | 2. Bissau |
| 3. Bandikui | 4. Bagar |
| 5. Bhinder | 6. Chaksu |
| 7. Chaapar | 8. Chabra |
| 9. Deshnok | 10. Deoli |
| 11. Deogarh | 12. Gangapur |
| 13. Gajsinghpur | 14. Indergarh |
| 15. Jobner | 16. Jahajpur |
| 17. Kaman | 18. Kushalgarh |
| 19. Khandela | 20. Kherli |
| 21. Lakheri | 22. Mandawa |
| 23. Manesar | 24. Mukundgarh |
| 25. Nawan | 26. Pipar |
| 27. Phulega | 28. Pushkar |
| 29. Pindwara | 30. Parbatsar |
| 31. Pokaran | 32. Rajgarh (Alwar) |
| 33. Ramgarh | 34. Rajaldesar |
| 35. Sagwara | 36. Shahpura |
| 37. Sunel | 38. Shivganj |
| 39. Sarwar | 40. Salumber |
| 41. Taranagar | 42. Tijara |
| 43. Todaraisingh | 44. Todabhim |
| 45. Udaipurwati | 46. Uniara |
| 47. Vidyavihar | 48. All other Unclassified |
| 49. All Mandic* | Municipal Towns, notified |
| | areas and cantonment |
| | boards. |

**THE CODE OF CIVIL PROCEDURE (RAJASTHAN AMENDMENT)
ACT, 1982**

The following Act of the Rajasthan State Legislature which received the assent of the President on the 8th day of May, 1983 was published in the Rajasthan Gazette, Extraordinary, Part IV (Ka) dated May 16, 1983.

RAJASTHAN ACT NO. 7 OF 1983

An act further to amend the Code of Civil Procedure, 1908, in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows:—

1. *Short title, extent and commencement* —(1) This Act may be called the Code of Civil Procedure (Rajasthan Amendment) Act, 1982.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Amendment of section 137, Central Act V of 1908.*—In section 137 of the Code of Civil Procedure, 1908 (Central Act V of 1908), in its application to the State of Rajasthan, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Wherever this Code requires or allows anything other than the recording of evidence to be done in writing in any such court, such writing shall be in Hindi in Devnagri Script with the international form of Indian numerals:

Provided that the court may in its discretion accept such writing in English on the undertaking of the party filing such writing, to file a Hindi translation of the same, within such time as may be granted by the Court and the opposite party shall have a right to have a copy of such writing in Hindi.”

Published in the Rajasthan Gazette, Extraordinary, Part 3 (Ga)
dated September 9, 1982.

HOME (GR. V) DEPARTMENT

No F. 1/7(2) Home-5/77 Jaipur, August 28, 1982.—Whereas, the draft of amendments in the Rajasthan Cinemas (Regulation) Rules, 1959 was published as required by sub-section (3) of section 10 of the Rajasthan Cinemas (Regulation) Act, 1952 (Rajasthan Act 30 of 1952) at pages 12 to 14 of the Rajasthan Rajpatra Part III (B) dated 8th January, 1981, under this department notification No. F 1/7 (2) Home-5/77, dated 1st January, 1981, for inviting objections and suggestion from all persons likely to be affected thereby upto 7th February, 1982;

And, whereas, the objections and suggestions received on the said draft within the specified period have been considered by the State Government;

Now, therefore, in exercise of the powers conferred by section 10 of the said Act the State Government hereby makes the following amendments in the Rajasthan Cinemas (Regulation) Rules, 1959, namely :—

AMENDMENTS

In the said rules,—

(1) in sub-rule (1) of rule 2, after clause (xxii), the following clause shall be added, namely :—

“(xxiia) ‘LOK CHHAVI, means cinematograph exhibition arrangements in which the entry charges (excluding entertainment tax) shall not exceed Rupees Two.”

(2) after sub-rule (2) of rule 3, the following sub-rule shall be inserted, namely :—

“(2-A) The provision of sub-rule (2) shall also apply for the grant of licence for ‘LOK-CHHAVI’.”

(3) after the existing proviso to rule 17, the following further proviso shall be added, namely :—

“Provided further that the provisions of this rule shall not apply to ‘LOK-CHHAVI’.”

(4) to sub-rule (4) of rule 18, the following proviso shall be added, namely :—

“Provided that the provision of this sub-rule shall not apply to ‘LOK CHHAVI’.”

(5) to rule 19, the following proviso shall be added, namely :—

“Provided the licensing authority will have no objection even if ‘LOK-CHHAVI’ are kept open without roofing or roofcovering”

(6) to sub-rule (1) of rule 22, the following provisos shall be added, namely :—

“Provided that the provisions of airconditioning or fans shall not apply to ‘LOK CHHAVI’ :—

Provided further that the provision of exhaust fans shall not apply to ‘LOK CHHAVI, where the ‘LOK CHHAVI, is without roofing

(7) to sub-rule (1) of rule 24, the following proviso shall be added, namely :—

“Provided that maximum number of 25 Spectactors can be accommodated in 100 sq. feet area in ‘LOK-CHHAVI’.”

(8) to sub-rule (4) of rule 25, the following proviso shall be added, namely ;—

“Provided that in a ‘LOK CHHAVI’ the seats need not be Securely fixed to the floor and and even seating arrangements can be made on the floor itself.

(9) to sub-rule (1) of rule 26, the following proviso shall be added, namely :—

“Provided that in case of ‘LOK-CHHAVI’ the width of gangways can be kept 36 inches instead of 44 inches leaving a gangway after every 12 rows of seats.

(10) to rule 31, after the existing proviso, the following further proviso shall be added, namely :—

“Provided further that it will not be necessary in ‘LOK-CHHAVI’ to have separate rewinding room and rewinding will be permissible in the projection room itself, keeping due regard to safety.”

(11) to sub-rule (1) of rule 34, the following proviso shall be added, namely :—

“Provided that it shall not be necessary to keep provision for more than one stair case in ‘LOK-CHHAAL’.”

(12) to rule 40, the following proviso shall be added, namely :—

“Provided that the provisions of sub-rules (1) and (2) of this rule shall not apply to ‘LOK CHHAVI.’”

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ga),
dated February 3, 1983

REVENUE (GR. 4) DEPARTMENT

G.S.R. 170—*Jaipur, January 22, 1983.*—In exercise of the powers conferred by clause (xi-a) of sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules, further to amend the Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961, namely :—

1 (1) These rules may be called the **Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) (Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-rule (2) of rule 2A of the Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961 after the expression “Urban Improvement Trust” and before the expression “if the land is situated” the expression “or Jaipur Development Authority” shall be inserted.

Published in the Rajasthan Gazette Extraordinary Part 4 (Ga)
dated January 11, 1983.

REVENUE (COLONISATION) DEPARTMENT

G.S.R 102—*(Jaipur, December 27, 1982)*—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments in the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957, namely :—

AMENDMENTS

In the said rules,—

(1) after clause (viii) of rule 2, the following second proviso shall be added, namely :—

“Provided further that the following categories of persons shall not be deemed to be landless tenants, namely :—

(a) an employee other than a casual or work charged employee of the Government or of a commercial or industrial establishment or concern, his wife and children dependent on him ;

(b) a person who has sold, or otherwise transferred, the whole or part of the land held by or allotted to him other than land transferred to or acquired by the Government or statutory bodies, and thereby reduces the size of his holding to become a landless tenant.”

(2) after sub-rule (2) of rule 12, the following proviso shall be added, namely :—

Provided that a landless tenant who does not hold any tenure land anywhere in Rajasthan or such land as he holds is less than $2\frac{1}{2}$ acres of irrigated land or 5 acres of unirrigated land shall be given preference within the category specified in sub-rule (2) which appertains to him”.

REVENUE (COLONISATION) DEPARTMENT

G. S. R. 104.—*Jaipur, December 27, 1982*) In exercise of the powers conferred by section 7 read with section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) the State Government hereby makes the following amendments in the Rajasthan Colonisation (Allotment and Sale of Government Land in Rajasthan Canal Colony Area) Rules, 1975, namely:—

AMENDMENTS

In the aforesaid rules :—

(1) After explanation to second proviso of clause (XIII) of sub-rule (1) of rule 2 the following further proviso shall be added, namely:—

“Provided further that the following categories of persons shall not be deemed to be landless persons, namely :—

(a) an employee other than a casual or work charged employee of the Government, or of a commercial or industrial establishment or of a commercial or industrial establishment or concern, his wife and children dependent on him ;

(b) a person who has sold, or otherwise transferred the whole or part of the land held by, or allotted to him other than land transferred to or acquired by the Government or statutory bodies and thereby reduces the size of his holding to become a landless person.”

(2) After clause (1) of sub-rule (1) of sub-rule (1) of rule 7 and before the existing proviso the following proviso shall be added, namely :—

“Provided that a landless person who does not hold any tenure land anywhere in Rajasthan, or such land as he holds is less than $2\frac{1}{2}$ acres of irrigate land or 5 acres of unirrigated land, shall be given preference within the category specified in sub-rule (1) which appertains to him”.

(3) After the word “Provided” the word “further” shall be inserted in the existing proviso to clause (1) of sub-rule (1) of rule 7.

REVENUE (COLONISATION) DEPARTMENT

G.S.R. 105. *Jaipur, December 27, 1982.*—In exercise of the powers conferred by Section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments in the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955, namely :—

AMENDMENTS

In the said rules,—

(1) After the existing first proviso to clause (vi) of rule 2, the following second proviso shall be added, namely :—

“Provided further that the following categories of persons shall not be landless tenants, namely :—

(a) an employee other than a casual or work charged employee of the Government or of a commercial or industrial establishment or concern, his wife and children dependent on him ;

(b) a person who has sold, or otherwise transferred, the whole or part of the land held by or allotted to him, other than land transferred to or acquired by the Government or statutory bodies, and thereby reduces the size of his holding to become landless tenant.”

(2) after clause (f) of Group-C of sub-rule (2) of rule 13, following proviso shall be added, namely :—

“Provided that a landless tenant who does not hold any tenure land anywhere in Rajasthan or such land as he holds in less than $2\frac{1}{4}$ acres of irrigated land or 5 acres of un-irrigated land shall be given preference within the category specified in sub-rule (2) which appertains to him”.

REVENUE (COLONISATION) DEPARTMENT

G S R 106 *Jaipur, December 27, 1982.*—In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1957 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments in the Rajasthan Colonisation (Medium and Minor Irrigation Projects Government Lands Allotment) Rules, 1968, namely :—

AMENDMENTS

In the said rules,—

(1) after explanation to clause (vi-A) of rule 3, the following further proviso shall be added, namely :—

“Provided further that the following categories of persons shall not be landless persons, namely :—

(a) an employee other than a casual or work charged employee of the Government, or of a commercial or industrial establishment or concern, his wife and children dependent on him ;

(b) a person who has sold, or otherwise transferred, the whole or part of the land held by or allotted to him other than land transferred to or acquired by the Government or statutory bodies, and thereby reduces the size of his holding to become a landless person.”

(2) after sub-rule (2) of rule 10, the following proviso shall be added, namely :—

“Provided that a landless person who does not hold any tenure land anywhere in Rajasthan or such land as he holds is less than $2\frac{1}{4}$ acres of irrigated land or 5 acres of unirrigated land shall be given preference within the category specified in sub-rule (2) which appertains to him”.

REVENUE (COLONISATION) DEPARTMENT

G.S.R 107. *Jaipur, December 27, 1982.*—In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments in the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment and Sale) Rules, 1956, namely :—

AMENDMENTS

In the said rules,—

(1) after explanation to sub-rule (2) of rule 2 the following further proviso shall be added, namely :—

“Provided further that the following categories of persons shall not be deemed to be landless persons, namely :—

(a) an employee other than a casual or workcharged employee of the Government or of a commercial or industrial establishment or concern, his wife and children dependent on him;

(b) a person who has sold, or otherwise transferred the whole or part of the land held by or allotted to him other than land transferred to or acquired by the Government or statutory bodies and thereby reduces the size of his holding to become a landless person.”

(2) after proviso to clause (ix) of sub-rule (1) of rule 3, the following proviso shall be added, namely :—

“Provided that a landless person who does not hold any tenure land anywhere in Rajasthan or such land as he holds is less than $2\frac{1}{2}$ acres of irrigated land or 5 acres of unirrigated land shall be given preference within the category specified in sub-rule (1) which appertains to him.”

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ga),
dated October, 1, 1982

HOME (TRANSPORT) DEPARTMENT

G S.R. 74. (*Jaipur October 1, 1982*)—In exercise of the powers conferred by section 22 of the Rajasthan Motor Vehicles Taxation Act, 1951, (Rajasthan Act, No. 11 of 1951), the State Government hereby makes the following rules further to amend the Rajasthan Motor Vehicles Taxation Rules, 1951, namely :—

1. *Short title and commencement*—(1) These rules may be called the **Rajasthan Motor Vehicles Taxation (Amendment) Rules, 1982.**

(2) They shall come into force on 1st October, 1982.

2. *Amendment of Rule 3.*—To rule 3 of the Rajasthan Motor Vehicles Taxation Rules, 1951 hereinafter referred to as the ‘said rules’ the following proviso shall be added :—

“Provided that if the owner operates a motor vehicle in the jurisdiction of two or more Taxation Officers then the Taxation Officer in whose jurisdiction major portion of the area lies, and in case the area of operation is equal, then the Taxation Officer in whose jurisdiction he ordinarily keeps the motor vehicle and in case of any owner of a motor vehicle registered outside the State and plying within the State under any permit, the Regional Transport Officer or the District Transport Officer having jurisdiction over the place of first entry within the State shall be the Taxation Officer.”

3. *Amendment of rule 4.*—For the existing rule 4 of the said rules, the following shall be substituted, namely :—

“4. *Mode of payment of tax.*—

(a) The tax under section 4-B in respect of Stage Carriage plying exclusively within municipal or city limits shall be payable in advance monthly on or before the 7th day of the month to which the tax relates.

(b) The tax under section 4-B in respect of a stage carriage other than those mentioned in clause (a) shall be paid monthly after the end of the month but on or before the 7th day of month next following.

(c) The tax in respect of a vehicle found plying after the certificate of registration has been surrendered, shall be payable forthwith.

(d) The owner of a stage carriage excluding those plying exclusively in municipal or city limits and liable to pay tax under section 4-B shall not be required to pay tax for the period of non-use of the vehicle which shall not be less than 7 consecutive days if before the commencement of the non-use the owner applies to the Taxation Officer in Form MTR stating the reasons for non-use and also deposits the permit with the Taxation Officer.

(e) The owner of a stage carriage excluding those plying exclusively in municipal or city limits and liable to pay tax under section 4-B shall not be required to pay tax for non-operation of the vehicle on that part of the route on which he could not ply the stage carriage for reasons beyond his control and obtains a certificate from the Secretary R.T.A. to that effect and produces the same before the Taxation Officer.

(f) the owner of a vehicle may pay tax in advance for 2 or more months or for more than one quarter of the financial year.

4. *Amendment of rule 5* — In rule 5 of the said rule, for the expression "and MTL", the expression "M. T. L. and M. T. M.", shall be substituted.

5. *Amendment of rule 6* — In rule 6 of the said rules :—

(1) In the marginal heading, after the word "declaration", the words "or return" shall be inserted ;

(2) in sub-rule (1), after the word "declaration", the words "or return" shall be inserted ;

(3) after the existing sub-rule (2), the following new sub-rule shall be inserted, namely :—

"(2-A) Every return shall be in form M.T.M.";

(4) in sub-rule (3), for the words "declaration" wherever occurring, the words "declaration or return" shall be substituted.

6. *Insertion of new rule 6-A, 6-B and 6-C* — After rule 6 of the said rules, the following new rules shall be inserted, namely :—

"6-A. *Security deposit by owners of Stage Carriages* — (1) Every owner of Stage Carriage excluding the vehicles of RSRTC and the owners of Stage Carriages plying exclusively in Municipal or City limits and liable to pay the tax under section 4-B, shall deposit with the Taxation Officer by way of security, such amount as may be equal to the tax payable by him under section 4-B for two months in respect of each vehicle. The amount of security shall be subject to revision after every 3 years.

(2) The security money shall be deposited within 15 days of commencement of the plying of the vehicle. Where an owner has already deposited security under the repealed Rajasthan Passenger and Goods Taxation Act, 1959, he shall deposit the balance of security, if any. Security amount shall be adjustable towards the outstanding dues against the owner. Where the owner fails to pay the tax then the

security amount will be adjusted against tax due and the owner will pay the balance of tax outstanding against him, if any. The amount of security shall be deposited in cash.

6-B *Furnishing of Security under section 14 and rule 33 (3).*—Every owner required to furnish security under section 14 of the Act and rule 33 (3) of these rules, the security shall be furnished by a bond executed by himself in the form MTP with two sureties acceptable to the Taxation Officer for such sum as may be directed by him. Each of the persons standing surety shall also execute a bond in the form MTP. In the alternative the owner may deposit Saving Certificates issued by the Government of India of the same amount duly endorsed in favour of the Taxation Officer, or a cash security or Bank Guarantee for the said amount.

6-C. *Maintenance of record.*—Every owner of Stage Carriage excluding those plying exclusively within municipal or city limits liable to pay monthly Road Tax under section 4-B shall maintain separate account for each trip undertaken, in the register E. T. N. duly authenticated by the Taxation Officer and shall keep such register always with the vehicle. The owner shall file a return in form M.T.M. within 15 days after the close of the month for which the tax becomes due and such return shall be accompanied by Treasury Receipt of the amount shown due."

7. *Amendment of rule 8.*—For the existing rule 8, the following rule shall be substituted, namely;—

"*Verification of declaration and determination of Tax.*—The Taxation Officer shall satisfy himself that every declaration or additional declaration presented to him is complete in all respects and that the correct amount of tax or additional tax, as the case may be, has been according to the Schedules appended to the act and in case of return if any, owner of a Stage Carriage liable to pay monthly tax under section 4-B fails to submit a return as required under rule 6 for any month within the time prescribed or if the return submitted by him appears to the Taxation Officer to be incorrect or incomplete, he shall after notice in form MTO and giving a reasonable opportunity of being heard to the owner, determine the amount of tax payable by the owner for the period for which the return was either not filed or found to be incorrect and shall serve a notice on the owner in form M. T. Q. along with a certified copy of the order requiring him to pay the tax and penalty so determined forthwith. If the owner fails to pay the determined tax and penalty forthwith or the disputed amount is stayed by the competent authority under section 14 of the act, he shall be liable to pay, on the amount of tax not paid or on the amount of tax stayed, if found due later on, as the case may be, simple interest, from the next day following the day of service of demand notice @ 1½% per month for the first three months and @ 2% per month thereafter till the default continues."

8. *Amendment of rule 9.*—In rule 9 of the said rules,—

(1) in the marginal heading, after the words "Motor vehicle", the words "and Accounts" shall be inserted.

(2) for the word "assessing", the words "determining and for the expression "assessed", the expression "determined and account" shall be substituted.

9. *Amendment of rule 10* —For the existing rule 10 of the said rules, the following rule shall be substituted, namely :—

“10. *Distribution of work amongst Taxation Officer.*—Where there is more than one Taxation Officer/District Transport Officer in a district, they shall have concurrent jurisdiction subject to any order which the Transport Commissioner or Additional Transport Commissioner (Tax) may make for the distribution and allocation of the work to be performed by them. The Transport Commissioner or Additional Transport Commissioner (Tax) may on an application of an owner or *suo moto* after giving the owner a reasonable opportunity of being heard and after recording his reasons in writing for doing so, transfer any case from one Taxation Officer to another Taxation Officer.”

10. *Amendment of rule 12.*—In rule 12 of the said rules, for the word “assess” the word “determine” for the word “assessed,” wherever occurring the word “determind” shall be substituted.

11. *Deletion of rule 14* —Rule 14 of the said rules shall be deleted.

12. *Amendment of rule 23.*—In sub-rules (1) and (2) of rule 23 of the said rules, for the word “declaration”, the word “declaration or return” shall be substituted.

13. *Amendment of rule 25* —For the existing rule 25 of the said rules the following rules shall be substituted, namely :—

“25. *Surrender of the Certificate of Registration.*—(1) The request for the surrender of documents under section 4 of the Act, shall be in writing and it shall be accompanied with the certificate of Registration and the current token of the vehicle. In case where the Certificate of Registration has either been seized, or deposited in a Court of law or with any competent authority, the owner shall file the receipt obtained by him in lieu of the certificate or registration and in such cases the owner shall also file an affidavit to the effect that due to the circumstances mentioned therein he was not able to surrender the Certificate of registration forthwith.

(2) In case of Motor Vehicle if current token could not be issued for want of mechanical fitness or permit then the owner shall satisfy the Taxation Officer that M.V. Tax and Special Road tax which have become due have been paid.

(3) The owner of the vehicle shall specify the place where the vehicle will be kept during the period of non-operation and shall not remove the vehicle from the specified place to any other place except with the prior written permission of the Taxation Officer.

(4) The Taxation Officer will complete Part II of form MTG, and return to the applicant and shall at the same time enter in the Registration Certificate the date of its surrender. On the receipt of application in part III of M.T.G. the certificate of registration, token and any other documents surrendered will be returned to the applicant, and the Taxation Officer after satisfying himself that the vehicle actually remained off the route, shall issue a certificate to the owner to this effect.

14. *Insertion of new rule 25 B.*—After the existing rule 25-A of the said rules, the following new rule shall be inserted, namely :—

“25-B. *Reasons for non-use.*—The Taxation Officer shall satisfy

himself and certify that the vehicle was not used in the State under any of the circumstances mentioned below :—

(1) That the Certificate of Registration was suspended by the competent authority;

(2) That the Motor vehicle was restrained from plying by the competent court or authority;

(3) That the Motor vehicle was involved in an accident and a report to this effect was made to the police and that because of accident it remained out of use atleast for a period of 3 months;

(4) That the Motor vehicle was attached for the recovery of tax under the Rajasthan Land Revenue Act by the competent authority or attached under the warrant of attachment issued by the competent authority, or court and that during the period of attachment the vehicle did not remain in his possession;

(5) That the vehicle has been taken out of the State and Certificate has been produced that the vehicle has paid tax in another State;

(6) Any other reason, or reasons, due to which it was impossible for the owner to ply the vehicle."

15. *Amendment of rule 26.*—In rule 26 of the said rules :—

(i) In clause (i) the expression "under rule 25 of these rules whichever is later and in case the refund or adjustment is claimed" shall be deleted.

(ii) In clause (ii) the expression "in accordance with rule 25 of these rules or excess paid which is refundable" shall be deleted.

16. *Amendment of rule 28.*—In the end of rule 28 of the said rules, the following proviso shall be added, namely :—

"Provided that classes of vehicles specified in clauses (j), (l) and (m) shall not be exempted from tax leviable under section 4-B".

17. *Deletion of rule 29-A.*—The existing rule 29-A of the said rules shall be deleted.

18. *Amendment of rule 32.*—The proviso to rule 32 of the said rules shall be substituted by the following, namely :—

"Provided that in no case such sum shall be less than fifty rupees, but such sum shall not exceed the annual tax payable for the motor vehicle concerned."

19. *Amendment of rule 33.*—In rule 33 of the said rules :—

(i) In sub-rule (i) for the expression "Form M.T.E." the expression "Form M.T.E. or M.T.Q." shall be substituted.

(ii) For the existing sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) If within seven days of the service of the notice the tax is not paid and no reasonable cause for not paying it has been shown, the Taxation Officer shall take steps to recover the amount of tax due."

(iii) In sub-rule (3), for the expression "Dy. Transport Commissioner (Tax)" the expression "Additional Transport Commissioner (Tax)" shall be substituted.

20. *Amendment of rule 33-A.*—In rule 33-A of the said rules for the words "Deputy Transport Commissioner" the expression "Additional Transport Commissioner (Tax)" shall be substituted.

21. *Amendment of rule 34.*—In rule 34 of the said rules for the expression “schedule II and III” the expression ‘item II of Part II of the Schedule’ shall be substituted.

22. *Amendment of rule 37.*—For the existing sub-rule (1) of rule 37 of the said rules, the following shall be substituted, namely :—

“(1) (i) An appeal or revision under section 14 of the Act shall be in writing which shall bear a court fee stamp of the value of Rs. 10/- and shall be presented to the Appellate Authority or Revisional Authority, as the case may be, along with memorandum containing :—

(a) The date of order against which appeal or revision has been filed ;

(b) The name and designation of the Officer who passed the order; and

(c) The grounds of appeal briefly set out.

(ii) The memorandum of appeal shall also be accompanied by a certified copy of the order appealed against and in case of revision by the owner of vehicle it shall also be accompanied by a treasury receipt of Rs. 25/- and it shall also contain an endorsement by the appellant or his agent as follows :—

(a) That the amount of admitted tax determined and penalty if any imposed has been paid ; and

(b) That to the best of his knowledge and belief the facts set out in memorandum are true”.

23. *Amendment of rule 38.*—For the existing sub-rule (i) of rule 38 of the said rules, the following shall be substituted, namely :—

“(i) With a view to rectify any mistake apparent on the face of the record the Transport Commissioner, the Appellate Authority or the Taxation Officer may amend any order passed by it or him.”

24. *Insertion of new rule 39.*—After the existing rule 38 of the said rules, the following new rule shall be inserted, namely :—

“39. *Establishment of check posts or barrier.*—(1) If the State Government or the Transport Commissioner, considers it necessary that with a view to prevent or check evasion of tax under this Act in any place or places within the State it is necessary so to do, it may, by notification in Official Gazette direct the setting up of check post or the creation of a barrier or both at such place or places as may be specified in the notification :

Provided that the Commissioner may direct the setting up of a check post or the erection of a barrier for a period not exceeding six months.

(2) At every check post or barrier set up or erected under sub-rule (1) or at any other place when so required by any officer empowered by the State Government in this behalf the driver shall stop the vehicle and keep it stationary so long as may reasonably be required and allow the Officer-in-charge of the check post or barrier or the officer empowered as aforesaid to inspect all the documents relating to the vehicle.”

25. *Amendment of form M.T.C. I and M.T.C. II.*—For the

existing forms M.T.C. I and M.T.C. II appended to the said rules, the following forms shall be substituted, namely :—

“THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951
FORM M.T.C. I & M.T.C. II

(See Rule 15)

(omitted)

26. *Amendment of form M. D. T.*—For the existing form M.T.D. appended to the said rules, the following form shall be substituted, namely :—

“THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951
FORM M. T. D.

(Omitted.)

(See rule 16)

27. *Amendment of form M.T.F.*—For the existing form M. T. F. appended to the said rules, the following form shall be substituted, namely :—

“THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951
FORM M.T.F.,

[See rule 26 (i) and 26 (a)]

Application for refund of tax

(Omitted)

28. *Amendment of form M.T.G.*—For the existing form M.T.G. appended to the said rules, the following form shall be substituted, namely :—

“THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951
FORM M.T.G.

(See Rule 25)

(Surrender of Registration Certificate and Token)

(omitted)

29. *Amendment of form M.T.K.*—For the existing form M.T.K. appended to the said rules, the following form shall be substituted, namely :—

“FORM M.T.K.

(omitted)

30. *Amendment of form M.T.L.*—For the existing form M.T.L. appended to the said rules, the following form shall be substituted, namely :—

GOVERNMENT OF RAJASTHAN TRANSPORT DEPARTMENT
THE RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951

(Form of Challan—M.T.L.)

(See rule 4)

(omitted)

31. *Insertion of new forms M.T.M., M.T.N., M.T.O., M.T.Q., M.T.R. and M.T.S.*—After form M.T.L. appended to the said rules, the following new forms shall be inserted, namely :—

THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951
FORMS

(omitted)

**THE MOTOR VEHICLES (RAJASTHAN AMENDMENT)
ACT, 1982.**

The following Act of the Rajasthan State Legislature which received the assent of the President on the 28th day of June, 1983, was published in the Rajasthan Gazette Extraordinary, Part IV (Ga) dated July 2, 1983.

RAJASTHAN ACT, NO. 8 OF 1983

An Act further to amend the Motor Vehicles Act, 1939 in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title, extent and commencement* :—(1) This Act may be called **Motor Vehicles (Rajasthan Amendment) Act, 1982.**

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Amendment of section 47, Central Act IV of 1939.*—In the Motor Vehicles Act, 1939 (Central Act IV of 1939) in its application to the State of Rajasthan (hereinafter referred to as the principal Act), for sub-section (3) of section 47 the following shall be substituted, namely—

“(3) A Regional Transport Authority may, after taking into consideration the interest of general public and the adequacy of other passenger transport services operating or likely to operate in the near future, whether by road or other means, between the places to be served by order—

(a) limit the number of stage carriages generally or of any specified area or on any specified route within the region; or

(b) open any new route;
and such order shall be final.”

3. *Amendment of section 64A, Central Act IV of 1939.*—In section 64 A of the principal Act, after the words “call for the record of any case” the expression “(not being a case relating to the limiting the number of stage carriages or the opening of a new route under sub-section (3) of section 47)” shall be inserted.

Published in the Rajasthan Gazette Extraordinary, Part IV (Ga), dated June 23, 1983.

**THE RAJASTHAN IMPOSITION OF CEILING ON AGRICULTURAL
HOLDINGS (AMENDMENT) ORDINANCE, 1983**

RAJASTHAN ORDINANCE NO. 1 OF 1983

An Ordinance further to amend the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973.

Whereas, the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas, previous instructions of the President have been obtained for the provisions requiring it;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of

the State of Rajasthan is pleased to make and promulgate in the Thirty-fourth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title*—This Ordinance may be called the **Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1983**.

2. *Amendment of section 15, Rajasthan Act 11 of 1973*.—After sub-section (2) of section 15 of the Rajasthan Imposition of Ceiling on Agriculture Holdings Act, 1973 (Rajasthan Act 11 of 1973), hereinafter referred to as the principal Act, the following new sub-section shall be and shall always be deemed to have been added, namely :—

“(3) Where any person challenges the direction issued by the State Government to re-open a decided matter under sub-section (1) or under sub-section (2) in any court and such direction is quashed by the court on account of any procedural defect or on a technical ground or on the ground that the authority who issued the directions had no jurisdiction, the period during which the proceedings remained pending in the court shall be excluded in computing the period of limitation provided by second proviso to sub-section (1) or sub-section (2) for the purpose of making fresh directions for re-opening decided matters under the said sub-sections.”

3. *Insertion of new section 15A in Rajasthan Act 11 of 1973*.—After section 15 of the principal Act, the following new section shall be inserted, namely :—

“15-A. *Validation of proceedings and directions issued under Section 15*.—Notwithstanding anything contained in the Rules of Business for the conduct of business of State of Rajasthan or in the Standing Orders issued thereunder or in any judgement, decree, order or decision of any court and notwithstanding any defect or want of appointment, form, procedure or jurisdiction,—

(a) the Deputy Secretary to the Government of Rajasthan in the Revenue Department shall, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1983, be deemed to be and be always deemed to have been authorised by the State Government to exercise the powers conferred on it under section 15 and to dispose of cases arising thereunder ;

(b) all things done, actions taken, decisions given, directions issued and orders passed by the Deputy Secretary to the Government of Rajasthan in the Revenue Department before such commencement under section 15 shall be deemed to have been validly done, given, issued or as the case may be, passed by the State Government; and

(c) the existence and validity of any such things done, actions taken, decisions given, directions issued or orders passed shall not be called in question in any court, tribunal or authority merely on the ground that such Deputy Secretary at any time before such commencement was not authorised to dispose of cases under section 15 by the State Government.”

O. P. MEHRA,
Governor of Rajasthan.

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga), dated June 24, 1983.

**THE RAJASTHAN HOMOEOPATHIC MEDICINE (AMENDMENT)
ORDINANCE, 1983**

RAJASHAN ORDINANCE NO. 2 OF 1983

An Ordinance further to amend the Rajasthan Homoeopathic Medicine Act, 1969.

Whereas, the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of the powers conferred on him by clause 1 of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the Thirty-fourth Year of the Republic of India, the following Ordinance, namely:—

1. *Short title.*—This Ordinance may be called the **Rajasthan Homoeopathic Medicine (Amendment) Ordinance, 1983.**

2. *Amendment of section 7-A, Rajasthan Act 1 of 1970.*—For the existing proviso to section 7-A of the Rajasthan Homoeopathic Medicine Act, 1969 (Rajasthan Act 1 of 1970), the following proviso shall be and shall always be deemed to have been substituted, namely :—

“Provided that the State Government may, from time to time, whether retrospective by or prospectively, extend the term of the Administrator so appointed subject, however, to the condition that the total term of the Administrator so appointed shall not exceed in aggregate a period of four years.

O. P. MEHRA,
Governor of Rajasthan.

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga), dated June 16, 1983.

EDUCATION (GR. IV) DEPARTMENT

G.S.R. 56. (*Jaipur, June 16, 1983*).—Whereas, the draft of amendments in the Rajasthan Monuments, Archaeological Sites and Antiquities Rules, 1968 was published as required by sub-section (1) of section 38 of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 (Rajasthan Act 19 of 1961) at page 744 of the Rajasthan Rajpatra, Part IV-C-I, dated 3-3-1983, under this Department Notification No. F. 20 (39)/Edu/4/82, dated 18-2-83, inviting objections and suggestions from all the persons likely to be affected thereby upto 2nd April, 1982 ;

And whereas, objections and suggestions received on the said draft have been considered by the State Government ;

Now, therefore, in exercise of the powers conferred by section 38 of the said Act, the State Government hereby makes the following amendments in the Rajasthan Monuments, Archaeological Sites and Antiquities Rules, 1968, namely :—

AMENDMENTS

In the said rules,—

1. For the existing sub-rule (1) of rule 5 the following sub-rule shall be substituted, namely :—

“(1) The protected monuments shall remain open during the hours specified by the Government from time to time. The protected monument for which no specific order is issued by the Government and to which neither rule 3 nor rule 4 applies, shall remain open from sunrise to sun-set :

Provided that an archaeological officer may, by notice to be exhibited in a conspicuous part of the monument, direct that a protected monument or a part thereof shall be closed temporarily for such period as may be specified in the notice.”

2. The existing Schedule I, appended thereto shall be deleted.

Published in the Rajasthan Gazette Extra ordinary Part IV (kha) dated June 16, 1983.

MINES (Gr. I) DEPARTMENT

S.O. 29. (Jaipur, May 24, 1983) - In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation & Development) Act, 1957 (Central Act, No 67 of 1957), the State Government hereby amends Rajasthan Mines & Mineral Concession Rules, 1977 as follows, namely :—

1. *Short title & commencement* —(i) These rules may be called the Rajasthan Mines & Mineral Concession Rules, 1983.

(ii) They shall come into force on the date of their publication in the official Gazette.

2. *Amendment in rule 29* —(i) The categories of Persons given in sub-rule (1) of rule 29 of the said rules shall be substituted by the following, namely :—

(i) Persons selected under Integrated Rural Development Programme;

(ii) Manual workers belonging to Scheduled Caste/Scheduled Tribes employed in mines;

(iii) Manual workers employed in mines;

(iv) Persons belonging to Scheduled Caste/Scheduled Tribes;

(v) Ex-soldiers members of para military forces belonging to Rajasthan who have been permanently disabled or dependents of those who have been killed in action;

(vi) Rajasthan State Government servants who have been permanently disabled while on duty or the dependents of those who have been killed on duty;

(vii) Un-employed graduates.

**THE RAJASTHAN PASS BOOK (AGRICULTURAL HOLDINGS)
ORDINANCE, 1983.**

Published in the Rajasthan Gazette Extraordinary Part IV (Ga)
dated July 29, 1983.

RAJASTHAN ORDINANCE NO 3 OF 1983

An Ordinance to provide for the issue of Pass Book (Agricultural Holdings) as a record of rights.

Whereas, the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers, conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the Thirty-fourth Year of the Republic of the India, the following Ordinance, namely :—

**CHAPTER I
PRELIMINARY**

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Rajasthan Pass Book (Agricultural Holdings) Ordinance, 1983.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “agriculture” includes making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, soil-conservation and land development measures, raising and harvesting of crops, horticulture, forestry, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, agriculture, sericulture, piggery, poultry farming and other activities as are generally carried on by agriculturists, dairy-farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities; and the words “agricultural purposes” shall be construed accordingly ;

(b) “agriculturist” means a person who is engaged in agriculture ;

(c) “financial institution” means and includes,—

(i) a banking company as defined in clause (c) of section 5 of the Banking Regulations Act, 1949 (Central Act 10 of 1949) and includes,—

(i) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (Central Act 38 of 1959) ;

(iii) a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) ;

(iv) the Agricultural Re-finance and Development Corporation established under the Agricultural Re-finance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

- (v) the Rajasthan State Agro-Industries Corporation Limited ;
- (vi) Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956);
- (vii) a Regional Rural Bank established under the Regional Rural Bank Act, 1976 (Central Act 21 of 1976) ;
- (viii) a banking institution notified by the Central Government under section 51 of the Banking Regulations Act, 1949 (Central Act 10 of 1949) ;
- (ix) the National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981 (Central Act 61 of 1981) ;
- (2) a Panchayat Samiti established under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959) ;
- (3) the Rajasthan Land Development Corporation Act, 1975 (Rajasthan Act 17 of 1975) ;
- (4) a Co operative Society registered or deemed to be registered under the Rajasthan Co-operative Societies Act, 1956 (Rajasthan Act 13 of 1956), the object of which is to provide financial assistance to its members and includes a Co-operative Land Development Bank and an Agricultural Development Bank ;
- (5) any other institution which may be notified in this behalf by the State Government ;
- (d) "financial assistance" means assistance by way of loans, advances, guarantee or otherwise for agricultural purposes ;
- (e) "land" means land used for the purposes of agriculture or any purpose subservient thereto and which is assessed by the Government to land revenue ;
- (f) "Land Revenue Act" means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) ;
- (g) "Pass Book" means a Pass Book issued under section 4 ;
- (h) "Registrar" and "Sub-Registrar" shall have the meaning respectively assigned to them in the Registration Act, 1908 (Central Act 16 of 1908); and
- (i) "Revenue Officer" means a Tehsildar or any other officer appointed by the State Government for the purposes of this Ordinance.

3. *Ordinance to over-ride other laws.*—The provisions of this Ordinance or any rule made thereunder shall have effect notwithstanding anything in any law relating to cooperative societies for the time being in force, or in any enactment including the Registration Act, 1908 (Central Act 16 of 1908) or any instrument having effect by virtue of any enactment.

CHAPTER II

Issue of Pass Books and matters relating thereto

4. *Issue of Pass Books.*—(1) On the commencement of this Ordinance, a Revenue Officer shall proceed to issue Pass Book in such form as may be prescribed, to an agriculturist having, for the time being, land within the local limits of his jurisdiction, on payment of such fees as may be prescribed. It shall be obligatory for an agriculturist to pay the prescribed fee for the issue of such Pass Book to him.

(2) The Revenue Officer shall make or cause to be made in such manner as may be prescribed, an enquiry about the extent of the holding of an agriculturist having land in his jurisdiction on the basis of annual registers or on any other basis as he may consider necessary

(3) The Revenue Officer before issuing the Pass Book shall obtain a declaration in the prescribed form from the agriculturist regarding his agricultural holding and the credits, debts and loans raised by him encumbering any land in his holding as existing on the date of making the declaration. The agriculturist shall be under obligation to make such a declaration and shall be responsible for the correctness of the information in the declaration. The declaration shall form part of the Pass Book.

(4) If the Revenue Officer is satisfied that any Pass Book issued by him has been lost or destroyed, he may issue a duplicate copy thereof in the prescribed manner and on payment of the prescribed fee and the words "Duplicate copy" shall be conspicuously marked on it. The colour of the original Pass Book and duplicate thereof shall be different and as prescribed.

5. *Presumption of correctness as to entries.*—(1) Every entry made by the Revenue Officer in a Pass Book shall be presumed to be correct.

(2) The entries in the Book shall be prima facie evidence of the title of the holder thereof in respect of the land or other interest in the land may be accepted as such by a financial institution for the purpose of granting financial assistance to the holder of the Pass Book, whether or not on the security of the property specified in the Pass Book.

6. *Endorsement on Pass Books.*—(1) A financial institution granting any financial assistance to the holder of a Pass Book shall make an attested endorsement on the Pass Book indicating the amount of such financial assistance and where such financial assistance has been given on the security of any property, the Bank shall also make an endorsement against property on the security of which the financial assistance has been granted by it and the endorsement so made shall have the effect of creating a charge in favour of the financial institution on the property against which the endorsement has been so made and the holder of the Pass Book shall be debarred from alienating the said property until the outstanding amount of the financial assistance granted by the financial institution has been repaid together with interest due thereon :

Provided that where no Pass Book has been issued to the applicant, the fact shall be stated in the application for loan, itself in a declaration to be made in the prescribed form verified and signed by the applicant. On being satisfied that no Pass Book has actually been issued to the applicant till the time of submission of the application for loan the financial institution shall grant loan without insisting on its production and shall make a note of the fact in the sanction for loan to be issued by it :

Provided further that where any charge on any land or interest therein was created in favour of a Co-operative Society before the

enactment of this Ordinance, it shall not debar an agriculturist to create, after the enactment of this Ordinance, a subsequent charge on such land or interest therein in favour of a Bank as security for any financial assistance given to the agriculturist by that Bank :

Provided further that creation of a subsequent charge on any land or interest therein by the agriculturist in favour of the same financial institution shall not be prohibited :

Provided also that the financial institution which sanctions the first loan after the issue of the Pass Book shall verify all past loans and encumbrances and enter and authenticate the details of the same in the Pass Book.

(2) When a charge is created on the land held by an agriculturist, a copy of every endorsement made by a financial institution in pursuance of the provisions of sub-section (1), shall be forwarded to the Revenue Officer within the local limits of whose jurisdiction the whole or any part of the property which has been so charged is situate, and on receipt of the copy of such endorsement, the Revenue Officer shall make the necessary entries in the record of rights maintained by him under the Land Revenue Act and in the office copy of the Pass Book.

7. *Transfers not to be registered except on production of Pass Book.*—(1) No transfer made by the holder of Pass Book in respect of any parcel of land specified in such Pass Book or any interest in such land shall be registered by the Registrar or Sub-Registrar unless the Pass Book is produced before him by transferor and the transferee, if he is a Pass Book holder, and on production of the Pass Books he shall make an endorsement thereon indicating the particulars of transfer registered by him :

Provided that where no Pass Book has been issued to the transferor or the transferee, the fact shall be stated in a declaration to be made in the prescribed form, verified and signed by the transferor or the transferee, as the case may be, and be presented to the Registering Authority. On being satisfied that no Pass Book has actually been issued to the transferor or the transferee, the Registering Authority shall not insist upon the production of the same and shall make a note of the fact in the transfer deed itself at the time of registering it.

(2) Where mutation in the revenue record is ordered in pursuance of any transfer of land not requiring registration, a copy of the order shall be recorded in the Pass Book by the authority making such order. Provided that if no Pass Book is produced by the applicant on the plea that none has been issued to him, he shall file a declaration to the effect that he has not been supplied with any Pass Book till the date of mutation. On being satisfied that no Pass Book has been issued to the applicant, the authority ordering mutation shall not insist upon the production of the same but shall make a note of the fact in the mutation order itself.

(3) Any transfer effected in contravention of this section shall be void.

CHAPTER III MISCELLANEOUS

8. *Protection of action taken in good faith.*—No suit or other legal proceedings shall lie against the Government or any officer or

authority for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

9. *Power to make rules* —(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form in which Pass Book may be issued;
- (b) the form of declaration to be made by the agriculturist;
- (c) the enquiry which the Revenue Officer may make or cause to be made, before issuing the Pass Book or a duplicate copy thereof;
- (d) the fees required to be paid for the Pass Book and duplicate copy thereof;
- (e) the size and colour of the original Pass Book and the office copy and the duplicate copy thereof;
- (f) procedure for issue of Pass Books and duplicate copy thereof and making of entries therein by revenue officers and financial institutions;
- (g) maintenance of records; and
- (h) all other matters which are to be or may be prescribed under this Ordinance.

(3) All rules made under this Ordinance shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than thirty days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules, or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

O. P. MEHRA,
Governor of Rajasthan.

THE RAJASTHAN TENANCY (AMENDMENT) ORDINANCE, 1983.

Published in the Rajasthan Gazette, Extraordinary, Part IV-Ga,
dated August 4, 1983

RAJASTHAN ORDINANCE NO 4 OF 1983

Made and promulgated by the Governor on the 4th day of August, 1983

An Ordinance further to amend the Rajasthan Tenancy Act, 1955.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the

Thirty-fourth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Rajasthan Tenancy (Amendment) Ordinance, 1983.**

(2) It shall come into force at once.

2. *Amendment of section 15-AAA, Rajasthan Act 3 of 1955.*—In section 15-AAA of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), here in after referred to as the principal Act, after sub-section (2), the following sub-sections shall be added, namely :—

“(3) Notwithstanding anything contained in sub-section (1) of section 15-A and save as otherwise provided in sub-section (1), any person who, at the commencement of this Act,—

(a) was a tenant of land otherwise than as a sub-tenant or a tenant of khudkasht and recorded as such in the annual registers then current, or

(b) was not so recorded, but was a tenant of land otherwise than as a sub-tenant or tenant of khudkasht,

and was in continuous possession of the land as such tenant upto the date of commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1983, shall, on an application bearing a court fee of fifty paise being made to the Assistant Collector having jurisdiction or to any officer or authority authorised by the Government in this behalf, within one year of the date of commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1983, be granted Khatedari rights in respect of the land in his tenancy upto the limit of the area which can be held by him under the provisions of the Rajasthan Imposition of Ceiling on Agriculture Holding Act, 1973 (Rajasthan Act 11 of 1973), provided he pays to the State Government the reserve price for the land held by him in excess of 25 bighas of irrigated or 50 bighas of unirrigated land and upto the said limit at the rate prescribed under section 7 read with section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and in force on the date of commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1983.

Explanation.—For the purpose of making an application under this sub-section, the expression “tenant” shall include his successor-in-interest but shall not include his transferee.

(4) All applications made by persons, other than those referred to in sub-section (2) but falling within the purview of sub-section (3), before the date of commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1983 for declaration of accrual of or for grant of khatedari rights in the land held by them at commencement of this Act and pending before the Assistant Collector or before any other authority prescribed by the State Government under sub-section (2) on such date, shall be treated as applications for the grant of khatedari rights and be deemed to have been made under sub-section (3) and shall be decided by the officer or authority mentioned in that sub-section in accordance with the provisions contained in sub-section (3) and sub-section (5).

(5) Where a person claims himself to be a tenant of land as is referred to in sub-section (3) but was not so recorded in the annual registers current at the commencement of this Act, the question whether

he was such a tenant or not shall be decided on the basis of available evidence including the consensus opinion of the Gram Sabha, comprising of all adult persons residing in the village where the land is situate, reduced into writing by the Assistant Collector or any other officer or authority competent under the said sub-section to grant khatedari rights."

3. *Amendment of Third Schedule to the Rajasthan Act 3 of 1955.*— In the Third Schedule appended to the principal Act, after entry at Serial No. 35C, the following entry shall be inserted, namely :—

"35CC. 15-AAA	Applica- tion for grant of khatedari rights in Rajasthan Canal Area	One year	Date of com- mencement of the Raja- sthan Tena- ncy (Amend- ment) Ordi- nance, 1983.	Fifty paise	Assistant Collector or any other offi- cer or au- thority au- thorised by the State Government
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O. P. MEHRA,
Governor of Rajasthan.

THE RAJASTHAN COLONISATION (AMENDMENT) ORDINANCE, 1983

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga), dated August 5, 1983.

RAJASTHAN ORDINANCE NO. 5 OF 1983

Made and promulgated by the Governor on the 4th day of August, 1983.

An Ordinance further to amend the Rajasthan Colonisation Act, 1954.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to make immediate action in this behalf ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to make and promulgate in the Thirty-fourth Year of the Republic of India, the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Rajasthan Colonisation (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 6, Rajasthan Act 27 of 1954.*—In section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), hereinafter referred to as the principal Act, after the words "any specified classes of", the word and comma "applications," shall be inserted.

3. *Amendment of section 7, Rajasthan Act 27 of 1954*—In sub-section (2) of section (7) of the principal Act, for the words "to tenants", the expression "to any person" shall be substituted.

4. *Amendment of Section 13, Rajasthan Act 27 of 1954.*—In section 13 of the principal Act,—

(a) in sub-section (1), for the expression, “without the consent in writing of the Collector,” the expression “or section 15-AAA of the the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), without the consent in writing of the State Government or an officer authorised by the State Government in this behalf, given on such conditions as may be prescribed,” shall be substituted; and

(b) in sub-section (2), after the expression “orders of the Collector,” the expression “and the land transferred, charged or sub-let, as the case may be, shall after giving the transferor an opportunity of being heard, be resumed” shall be inserted.

5 *Insertion of new section 13-A, Rajasthan Act 27 of 1954.*—After section 13 of the principal Act; the following new section shall be inserted, namely :—

“13-A. *Validation of certain transfers.*—(1) Notwithstanding anything contained in section 13, or in any other provisions of this Act, or in the rules made or statement of conditions issued thereunder, but subject to section 42 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), where any transfer, sub-lease or charge has been made by a Khatedar tenant in contravention of sub-section (1) of section 13, at any time before the commencement of the Rajasthan Colonisation (Amendment) Ordinance, 1983, such transfer, sub-lease or charge may be declared as valid by the Collector on making to him an application in this behalf by the transferor or the transferee within 180 days of such commencement, and subject to the transferor or the transferee making payment to the State Government by way of a compounding fee of an amount equal to all the allotment price of the land prescribed by it in a statement of conditions issued under sub-section (2) of section 7, or in any rule made under this Act, and in force on the date of commencement of the Rajasthan Colonisation (Amendment) Ordinance, 1983.

(2) Where in consequence of the transfer, sub-lease or charge made contravention of sub-section (1) of section 13, the Collector has passed order for ejectment of transferee under sub-section (2) of section (2) of section 13 or clause (ii) of section 14, but the transferee has not been actually ejected from the land and the tenancy of the transferor has not actually been resumed before the commencement of Rajasthan Colonisation (Amendment) Ordinance, 1983, the transferor or the transferee may, at any time within 180 days of such commencement, apply to the Collector for a declaration under sub-section (1) and on such declaration being made, the transferee shall not be liable to be ejected and the tenancy of transferor shall not be liable to be resumed, and the order of ejectment or resumption of tenancy, as the case may be, passed by the Collector shall be deemed to have been withdrawn.

(3) Where a compounding fee has already been imposed under this section in respect of a breach of condition of tenancy, no further penalty shall be imposed under section 14 on the tenant in possession of the land in respect of the same breach of condition of the tenancy.

(4) All cases in which prior consent in writing was not obtained under section 13 by a Khatedar tenant before transferring or charging

the right or interest vesting in him by or under this Act or before subletting the same, but consent in writing had been obtained by him from the Collector before the commencement of the Rajasthan Colonisation (Amendment) Ordinance, 1983, shall be re-opened by the Collector and shall be decided afresh by him in accordance with this section after giving notice to the transferor or, as the case may be, the transferee."

6. *Amendment of section 14, Rajasthan Act 27 of 1954.*—In clause (i) of section 14 of the principal Act, for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.

O. P. MEHRA,
GOVERNOR OF RAJASTHAN

THE RAJASTHAN HOMOEOPATHIC MEDICINE (AMENDMENT) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 13th September, 1983, and was published in the Rajasthan Gazette, Extraordinary, Part IV-Ka, dated September 14, 1983.

RAJASTHAN ACT NO. 9 OF 1983

An Act further to amend the Rajasthan Homoeopathic Medicine Act, 1969.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Rajasthan Homoeopathic Medicine (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force with effect from the 24th day of June, 1983.

2. *Amendment of section 7-A, Rajasthan Act 1 of 1970.*—For the existing proviso to section 7-A of the Rajasthan Homoeopathic Medicine Act, 1969 (Rajasthan Act 1 of 1970), hereinafter referred to as the principal Act, the following proviso shall be and shall be deemed always to have been substituted, namely:—

"Provided that the State Government may, from time to time, whether by a prospective or a retrospective order, extend the term of the Administrator so appointed subject, however, to the condition that the total term of the Administrator shall not exceed in aggregate a period of four years."

3. *Repeal and savings.*—(1) The Rajasthan Homoeopathic Medicine (Amendment) Ordinance, 1983 (Ordinance No. 2 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, all things done or actions taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN PANCHAYAT SAMITIS AND ZILA PARISHADS (AMENDMENT) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 13th September, 1983, and was published in the Rajasthan Gazette, Ext. Part IV Ka, dated September 14, 1983.

RAJASTHAN ACT NO. 10 OF 1983

An Act further to amend the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan Panchayat Samitis and Zila Parishads (Amendment) Act, 1983.

(2) It shall come into force at once.

2. *Insertion of new section 42-A, Rajasthan Act 37 of 1959.*—After section 42 of the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959), the following new section shall be inserted, namely:—

“42-A. *Re-constitution of Zila Parishad.*—(1) When a district for which a Zila Parishad has been constituted is bifurcated, the State Government shall, by notification published in the Official Gazette, dissolve the existing Zila Parishad from a specified date and shall re-constitute the Zila Parishad for the bifurcated district and constitute a new Zila Parishad for the newly created district in accordance with the provisions of this Act.

(2) With effect from the date the existing Zila Parishad is dissolved under sub-section (1), the State Government shall cause all the powers and functions of the Zila Parishad in relation to the bifurcated district to be exercised and performed by such person or authority as it may appoint in that behalf until the Zila Parishad is re-constituted for such district and any person or authority so appointed, may, if the State Government so directs, receive remuneration for the services rendered from the fund of the Zila Parishad.

(3) Any act done or purported to have been done by the existing Zila Parishad from the date of bifurcation of a district to the date of dissolution of such Zila Parishad shall be deemed to have been lawfully and validly done or purported to have been done notwithstanding the fact that due to bifurcation of the district, the existing Zila Parishad is to be dissolved for the purpose of re-constituting it in relation to the bifurcated district and that a new Zila Parishad is to be constituted for the newly created district.”

THE RAJASTHAN TENANCY (AMENDMENT) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 13th September, 1983, and was published in the Rajasthan Gazette, Ext. Part IV-Ka, dated September 14, 1983.

RAJASTHAN ACT NO. 11 OF 1983

An Act further to amend the Rajasthan Tenancy Act, 1955.

Be it enacted by Rajasthan State Legislature in the Thirty-fourth year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan Tenancy (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 4th day of August, 1983.

2. *Amendment of section 15-AAA, Rajasthan Act 3 of 1955.*—In section 15-AAA of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), hereinafter referred to as the principal Act, after sub-section (2), the following sub-sections shall be added, namely :—

“(3) Notwithstanding anything contained in sub-section (1) of section 15-A and save as otherwise provided in sub-section (1), any person who, at the commencement of this Act,—

(a) was a tenant of land otherwise than as a sub-tenant or a tenant khudkasht and was recorded as such in the annual registers then current, or

(b) was not so recorded, but was a tenant of land otherwise than as a sub-tenant or tenant of khudkasht, and was in continuous possession of the land as such tenant upto the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983, shall, on an application bearing a court fee of fifty paise being made to the Assistant Collector having jurisdiction or to any other officer or authority authorized by the State Government in this behalf, within one year of the date of commencement of the Rajasthan Tenancy (Amendment) Act 1983, be granted khatidari rights in respect of the land in his tenancy upto the limit of the area which can be held by him under the provisions of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973), provided he pays to the State Government the reserve price for the land held by him in excess of 25 bighas of irrigated 50 or bighas of unirrigated land and upto the said limit at the rate prescribed under section 7 read with section 28 of the Rajasthan Colonisation Act 1954 (Rajasthan Act 27 of 1954) and in force on the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983.

Explanation—For the purpose of making an application under this sub-section, the expression “tenant” shall include his successor-in-interest but shall not include his transferee.

(4) All applications made by persons, other than those referred to in sub-section (2) but falling within the purview of sub-section (3), before the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983, for declaration of accrual of or for grant of khatidari rights in the land held by them at the commencement of this Act and pending before the Assistant Collector or before any other authority prescribed by the State Government under sub-section (2) on such date, shall be treated as applications for the grant of khatidari rights and be deemed to have been made under sub-section (3) and shall be decided by the officer or authority mentioned in that sub-section in accordance with the provisions contained in sub-section (3) and sub-section (5).

(5) Where a person claims himself to be a tenant of land as is referred to in sub-section (3) but was not so recorded in the annual registers current at the commencement of this Act, the question whether he was such a tenant or not shall be decided on the basis of available evidence including the consensus opinion of the Gram Sabha, comprising of all adult persons residing in the village where the land is situate reduced into writing by the Assistant Collector or any other officer or authority competent under the said sub-section to grant khatedari rights."

3. *Amendment of Third Schedule to the Rajasthan Act 3 of 1955.*— In the Third Schedule appended to the principal Act, after entry at Serial No. 35C, the following entry shall be inserted, namely,—
"35EC. 15-AAA Application One Date of Fifty Assistant Collector

(3)	for grant of Year commence	ment of the	or any other officer
	khatedari	Rajasthan	or authority autho-
	rights in	(Amendment)	rised by the State
	Rajasthan	Act, 1983.	Government."
	Canal Area.		

4. *Repeal and savings.*—(1) The Rajasthan Tenancy (Amendment) Ordinance No. 4 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, all things done or actions taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN COLONISATION (AMENDMENT) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the Governor on 13th September, 1983, was published in the Rajasthan Gazette, Ext. Part IV-Ka, dated September 14, 1983.

RAJASTHAN ACT NO. 12 OF 1983

An Act further to amend the Rajasthan Colonisation Act, 1954.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan Colonisation (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 5th day of August, 1983.

2. *Amendment of section 6, Rajasthan Act 27 of 1954.*—In section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), hereinafter referred to as the principal Act, after the words "any specified classes of", the word and comma "applications," shall be inserted.

3. *Amendment of section 7, Rajasthan Act 27 of 1954.*—In sub-section (2) of section 7 of the principal Act, for the words "to tenants", the expression "to any person" shall be and shall be deemed always to have been substituted.

4. *Amendment of section 13, Rajasthan Act 27 of 1954.*—In section 13 of the principal Act,—

(a) in sub-section (1), for the expression "without the consent in writing of the Collector", the expression "or section 15-AAA of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), without the consent in writing of the State Government or an officer authorised by the State Government in this behalf, given on such conditions as may be prescribed," shall be substituted; and

(b) in sub-section (2), after the expression "orders of the Collector", the expression "and the land transferred, sub-let or charged, as the case may be, shall, after giving the transferor an opportunity of being heard, be resumed" shall be inserted.

5. *Insertion of new section 13-A, Rajasthan Act 27 of 1964.*—After section 13 of the principal Act, the following new section shall be inserted, namely :—

"13-A. *Validation of certain transfers.*—(1) Notwithstanding anything contained in section 13, or in any other provisions of this Act, or in the rules made or statement of conditions issued thereunder, but subject to section 42 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), where any transfer, sub-lease or charge has been made by a khatedar tenant in contravention of sub-section (1) of section 13 at any time before the commencement of the Rajasthan Colonisation (Amendment) Act, 1983, such transfer, sub-lease or charge may be declared as valid by the Collector on making to him an application in this behalf by the transferor or the transferee within 180 days of such commencement, and subject to the transferor or the transferee making payment to the State Government by way of a compounding fee of an amount equal to the allotment price of the land prescribed by it in the statement of conditions issued under sub-section (2) of section 7, or in any rule made under this Act, and in force on the date of commencement of the Rajasthan Colonisation (Amendment) Act, 1983.

(2) Where on account of a transfer, sub-lease or charge having been made by a khatedar tenant in contravention of sub-section (1) of section 13, the Collector has passed an order for ejectment of the transferee under sub-section (2) of the said section or for resumption of tenancy of the transferor under clause (ii) of section 14, but the transferee has not actually been ejected from the land transferred and the tenancy of the transferor has not actually been resumed before the commencement of the Rajasthan Colonisation (Amendment) Act, 1983, such tenant or such transferee may, at any time within 180 days of such commencement, apply to the Collector for declaring the transfer, sub-lease or charge as valid under and in accordance with sub-section (1) and upon such declaration having been made, the transferee shall not be liable to be ejected and the tenancy of the transferor shall not be liable to be resumed and the order of ejectment or resumption of tenancy, as the case may be, passed by the Collector shall be deemed to have been withdrawn.

(3) All cases, in which prior consent in writing of the Collector was not obtained under sub-section (1) of section 13 by a khatedar tenant for transferring or charging the right or interest vested in him by or under this Act or for sub-letting the same but subsequent consent as

aforsaid for such transfer, charge or sub-letting had been obtained by him before the commencement of the Rajasthan Colonisation (Amendment) Act, 1983, shall be re-opened by the Collector and shall be decided afresh by him in accordance with this section after giving notice to the transferor or, as the case may be, the transferee.

(4) Where compounding fee has been paid in accordance with this section in respect of a breach of condition of tenancy arising due to contravention of the provisions contained in sub-section (1) of section 13, no action shall be taken or proceeded further against the transferee and no penalty shall be imposed on and no resumption of tenancy shall be made of the khatedar tenant either under sub-section (2) of section 13 or under section 14, as the case may be, for the branch of the same condition of tenancy and arising due to the same contravention as aforesaid."

6. *Amendment of section 14, Rajasthan Act 27 of 1954.*—In clause (i) of section 14 of the principal Act, for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

7. *Repeal and savings.*—(1) The Rajasthan Colonisation (Amendment) Ordinance, 1983 (Ordinance No. 5 of 1983) is hereby repealed

(2) Notwithstanding such repeal, all things done or actions taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN IMPOSITION OF CEILING ON AGRICULTURAL HOLDINGS (AMENDMENT) ACT, 1983.

The following Act of the Rajasthan Legislature received the assent of the President on 30th September, 1983, and was published in the Rajasthan Gazette, Ext. Part IV-Ka, dated October 1, 1983.

RAJASTHAN ACT NO. 13 OF 1982

An Act further to amend the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the the 23rd day of June, 1983.

2. *Amendment of section 15, Rajasthan Act 11 of 1973.*—After sub-section (2) of section 15 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act, 11 of 1973), hereinafter referred to as the principal Act, the following new sub-section shall be and shall always be deemed to have been added, namely ;—

"(3) Where any person challenges the direction issued by the State Government to re-open a decided matter under sub-section (1) or under sub-section (2) in any court and such direction is quashed by the court on account of any procedural defect or on a technical ground or on the ground that the authority who issued the directions had no jurisdiction, the period during which the proceedings remained pending in the court

shall be excluded in computing the period of limitation provided by Second proviso to sub-section (1) or sub-section (2) for the purpose of making fresh directions for re-opening decided matters under the said sub-sections."

3. *Insertion of new section 15A in Rajasthan Act 11 of 1973.*—After section 15 of the principal Act, the following new section shall be inserted, namely :—

"15A. *Validation of proceedings and directions issued under section 15.*—Notwithstanding anything contained in the Rules of Business for the conduct of business of State of Rajasthan or in the Standing Orders issued thereunder or in any judgement, decree, order or decision of any court and notwithstanding any defect or want of appointment, from, procedure or jurisdiction,—

(a) the Deputy Secretary to the Government of Rajasthan in the Revenue Department shall, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act 1983, be deemed to be and be always deemed to have been authorised by the State Government to exercise the powers conferred on it under section 15 and to dispose of cases arising thereunder ;

(b) all things done, actions taken, decisions given, directions issued and orders passed by the Deputy Secretary to the Government of Rajasthan in the Revenue Department before such commencement under section 15 shall be deemed to have been validly done, given, issued or as the case may be, passed by the State Government ; and

(c) the existence and validity of any such things done, actions taken, decisions given, directions issued or orders passed shall not be called in question in any court, tribunal or authority merely on the ground that such Deputy Secretary at any time before such commencement was not authorised to dispose of cases under section 15 by State Government."

4. *Repeal and savings.*—(1) The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1983 (Ordinance No. 1 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE RAJASTHAN PASS BOOK (AGRICULTURAL HOLDINGS) ACT, 1983

The following Act of the Rajasthan Legislature received the assent of the President on 30th September, 1983, and was published in the Rajasthan Gazette, Ext. Part IV ka, dated October 1, 1983.

RAJASTHAN ACT NO. 14 OF 1983

An Act to provide for the issue of agricultural holdings Pass Books to enable agriculturists to have credit facilities and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Thirty-fourth year of Republic of India, as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called **Rajasthan Pass Book (Agricultural Holdings) Act, 1983**.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall be deemed to have come into force on the 29th day of July, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “agriculture” includes making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, soil conservation and land development measures, raising and harvesting of crops, horticulture, forestry, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, agriculture, sericulture, piggery, poultry farming and other activities as are generally carried on by agriculturists, dairy-farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities; and the words “agricultural purposes”, shall be construed accordingly;

(b) “agriculturist” means a person who is engaged in agriculture ;

(c) “co-operative society” means a co-operative society registered, or deemed to be registered, under the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), the object of which is to provide financial assistance to its members, and includes a co-operative land development bank and an agricultural development bank ;

(d) “financial institution” means and includes,—

(i) a banking company as defined in clause (c) of section 5 of the Banking Regulations Act, 1949 (Central Act 10 of 1949) and includes,—

(i) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (Central Act 38 of 1959) ;

(iii) a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) ;

(iv) the Agricultural Re-finance and Development Corporation established under the Agricultural Re-finance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

(v) the Rajasthan State Agro-Industries Corporation Limited;

(vi) Agricultural Finance Corporation Limited a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956);

(vii) a Regional Rural Bank established under the Regional Rural Bank Act, 1976 (Central Act 21 of 1976);

(viii) a banking institution notified by the Central Government under section 51 of the Banking Regulations Act, 1949 (Central Act 10 of 1949);

(ix) the National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981 (Central Act 61 of 1981);

(2) a Panchayat Samiti established under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act 37 of 1959);

(3) the Rajasthan Land Development Corporation established under the Rajasthan Land Development Corporation Act, 1975 (Rajasthan Act 17 of 1975);

(4) a co-operative society ;

(5) any other institution which may be notified in this behalf by the State Government ;

(e) "financial assistance" means assistance by way of loans, advances guarantee or otherwise for agricultural purposes ;

(f) "land" means land used for the purpose of agriculture or any purpose subservient thereto and which is assessed by the Government to land revenue, but not being land appurtenant to any residential building situated within the local limits of a municipality or cantonment ;

(g) "Land Revenue Act" means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) ;

(h) "Pass Book" means a Pass Book issued under section 4 ;

(i) "Registrar" and "Sub-Registrar" shall have the meaning respectively assigned to them in the Registration Act, 1908 (Central Act 16 of 1908) ;

(j) "Revenue Officer" means a Tehsildar or any other officer appointed by the State Government for the purposes of this Act ;

(k) words and expressions defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and the Land Revenue Act, but not defined in this Act, shall, wherever used herein, be construed to have the meanings assigned to them by the said Acts ; and

(l) words and expressions used to denote the possessor of any right, title or interest shall be deemed to include the predecessors and successors of any right, title or interest of such person.

3. *Act to over-ride other laws.*—The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything contained in the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965) or in any other law for the time being in force including the Registration Act, 1908 (Central Act 16 of 1908) or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

Issue of Pass Books and matters relating thereto

4 *Issue of Pass Books and matters relating thereto.*—(1) Every agriculturist holding land in the State shall make a declaration in such form as may be prescribed to the Revenue Officer within the local limits of whose jurisdiction the land is situate containing full and correct particulars of the land held by him or in relation to which he holds an interest or in relation to the crops, if any, standing thereon or in relation to which he holds any interest and of all debts owed or loans raised by him by mortgaging or charging the whole or part of such land and subsisting on the date of making the declaration.

(2) On receipt of the declaration made by an agriculturist under sub-section (1), the Revenue Officer shall make or cause to be made, in such manner as may be prescribed, an inquiry about the right of the agriculturist in relation to the land specified in the declaration or any

interest held by him therein or in respect of any crops standing thereon on the basis of the annual registers and any other basis relevant to the inquiry.

(3) If, as a result of such inquiry as mentioned in sub-section (2), the Revenue Officer is satisfied with regard to the right of the agriculturist relating to all or any of the properties specified in the declaration made by him under sub-section (1), he shall, on payment of prescribed fee by the agriculturist, issue a Pass Book in such form as may be prescribed in favour of the agriculturist indicating therein the extent of creditworthiness of the agriculturist and the properties in relation to which the agriculturist has right and the extent of encumbrances, if any, existing in relation to any of such properties on the date of issue of the Pass Book. The declaration made by the agriculturist under sub-section (1) shall be appended to and form part of the Pass Book.

(4) The size and colour of the cover and papers to be used in the original Pass Book, its office copy and that of the duplicate copy shall be different and as prescribed.

(5) If, on an application made by an agriculturist supported by affidavit, the Revenue Officer is satisfied that the Pass Book issued by him to the agriculturist making the application has been lost, or destroyed, he shall issue a Duplicate Copy thereof on payment of the prescribed fee and the words "Duplicate Copy" shall be conspicuously marked on it.

(6) Where the Pass Book issued to an agriculturist has been filled up, damaged or mutilated and can no longer be used, another Pass Book shall be prepared in the prescribed manner and issued to him by the Revenue Officer on pay of such fee as may be prescribed.

(7) In no case, a true or certified copy of the Pass Book shall be issued by the Revenue Officer to any agriculturist.

5. *Presumption of correctness as to entries.*—(1) Every entry made by the Revenue Officer in a Pass Book or a Duplicate Copy thereof issued under section 4 shall be presumed to be correct until the contrary is proved.

(2) The entries in the Pass Book shall be presumptive evidence of the rights of the holder thereof in respect of the land or other interest in the land or crops specified therein and may be accepted as such by a financial institution for the purpose of granting financial assistance to the holder of the Pass Book, whether or not, on the security of the properties specified in the Pass Book.

6. *Endorsement on Pass Books.*—(1) A financial institution granting any financial assistance to the holder of a Pass Book shall make an attested endorsement on the Pass Book indicating the amount of such financial assistance and where such financial assistance has been given on the security of any property, the financial institution shall also make an endorsement against the property on the security of which the financial assistance has been granted by it; and the endorsement so made shall have the effect of creating a charge in favour of the financial institution on the property against which the endorsement has been so made;

Provided that where no Pass Book has been issued to an agriculturist applying for financial assistance to a financial institution,

the fact shall be stated by him in the application for such assistance which shall be accompanied by a declaration in the prescribed form verified and signed in the prescribed manner and on being satisfied of such fact, the financial institution may grant financial assistance to such an agriculturist without insisting on the production of the Pass Book and while doing so, it shall make a note of that fact in the sanction for financial assistance to be issued by it :

Provided further that where any charge on any land or interest therein was created by an agriculturist in favour of a co-operative society before the commencement of this Act, it shall not debar him from creating, after such commencement, a subsequent charge on such land or interest therein in favour of a financial institution as security for any financial assistance given to the agriculturist by such institution :

Provided also that the financial institution, which sanctions the first loan after the issue of the Pass Book, shall ascertain and verify all past loans and encumbrances advanced to or created by, as the case may be, by the agriculturist and shall enter and authenticate the details thereof in the Pass Book.

(2) A copy of every endorsement made by a financial institution in pursuance of the provisions of sub-section (1) shall be forwarded by it to the Revenue Officer within the local limits of whose jurisdiction the whole or any part of the property where upon the charge so created is situate, and on receipt of the copy of such endorsement, the Revenue Officer shall make the necessary entries in the record of rights maintained by him under the Land Revenue Act and in office copy of the Pass Book.

7. *Transfers not to be registered except on production of Pass Book.*—(1) No transfer made by the holder of a Pass Book of any parcel of land specified in such Pass Book or any interest in such land or any crop standing thereon shall be registered by the Registrar or Sub-Registrar unless the Pass Books are produced before him by the transferor and the transferee if they are Pass Book holders, and on production of the Pass Books, he shall make an endorsement therein indicating the particulars of transfer registered by him :

Provided that where no Pass Book has been issued either to the transferor or the transferee or to both the fact shall be stated by him or them, as the case may be, in a declaration to be made in the prescribed form verified and signed in the prescribed manner and the same shall be presented before the Registrar or Sub-Registrar along with the deed effecting such transfer and such registering authority on being satisfied of such fact, shall not insist upon the production of the Pass Book but shall make a note of that fact in the deed of transfer at the time of registering it.

(2) Where mutation in the revenue record is ordered owing to any transfer of land or any interest therein, not requiring registration, a copy of the order shall be recorded in the Pass Book by the authority making such order :

Provided that if no Pass Book is produced by the applicant on the plea that none has been issued to him, he shall file a declaration to that effect and on being satisfied of the facts stated in the declaration, the authority ordering mutation shall not insist upon the production

of the Pass Book but shall make a note of that fact in the mutation order itself.

(3) Any transfer effected in contravention of this section shall be void.

CHAPTER III

Miscellaneous

8. *Protection of action taken in good faith.*— No suit or other legal proceedings shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

9. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form of declaration to be made by an agriculturist under sub-section (1) of section 4 ;

(b) manner in which the Revenue Officers shall make or cause to be made, inquiry under sub-section (2) of section 4 ;

(c) the form in which Pass Book shall be issued by the Revenue Officer in favour of an agriculturist and the fee required to be paid for the issue of Pass Book and the Duplicate Copy thereof ;

(d) the size and colour of the cover and the papers to be used in the original Pass Book, its office copy and that of the duplicate copy ;

(e) the manner in which another Pass Book shall be prepared and the amount of fee that shall be charged therefor under sub-section (6) of section 4 ;

(f) the form in which a declaration under first proviso to sub-section (1) of section 6 shall be made, verified and signed by an agriculturist ;

(g) the form of declaration to be made under first proviso to sub-section (1) of section 7 and the manner of verifying and signing it ;

(h) maintenance of records ; and

(i) such other matters which are required to be or may be prescribed under this Act.

(3) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than thirty days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which they are so laid, or of the session immediately following the House of the State Legislature makes any modifications in any of such rules, or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so however that any such modification of annulment shall be without prejudice to the validity of anything previously done thereunder.

10. *Repeal and savings.*—(1) The Rajasthan Pass Book (Agricultural Holdings) Ordinance, 1983 (Ordinance No. 3 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance shall be deemed to have been done or taken under this Act.

Published in the Rajasthan Gazette, Extraordinary. Part IV,
dated October 21, 1983

**THE INDUSTRIAL DISPUTES (RAJASTHAN AMENDMENT)
ORDINANCE, 1983**

ORDINANCE NO. 9 OF 1983

An Ordinance further to amend the Industrial Disputes Act, 1947 in its application to the State of Rajasthan.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of the State of Rajasthan, with instructions from the President, is hereby pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be cited as the Industrial Disputes (Rajasthan Amendment) Ordinance, 1983.

(2) It shall come into force at once

2. *Temporary amendment of Central Act No. 14 of 1947.*—During the period of operation of this Ordinance, the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), hereinafter referred to as the principal Act, in its application to the State of Rajasthan, shall have effect subject to the amendments specified in sections 3 and 4.

3. *Substitution of section 25-O, Central Act No. 14 of 1947.*—For section 25-O of the principal Act, the following section shall be substituted, namely :—

“25-O. *Procedure for closing down an undertaking.*—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies including an employer who has served a notice under sub-section (1) of section 25-FFA on the State Government of his intention to close down such an undertaking but the period of such a notice has not expired at the commencement of the Industrial Disputes (Rajasthan Amendment) Ordinance, 1983 shall apply for prior permission at least ninety days before the date on which the intended closure is to become effective, to the State Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen by registered post with acknowledgement due.

(2) Where an application for permission has been made under sub-section (1), the State Government, after making such enquiry as it thinks fit and after giving reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1), and the State Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty

days.

(4) An order of the State Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and shall remain in force for one year from the date of such order.

(5) The State Govt. may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the day of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."

4. *Amendment of section 25-R. Central Act No. 14 of 1947.*—In section 25-R of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Any employer, who contravenes an order refusing to grant permission to close down an undertaking under sub-section (4) of section 25-O or direction given under section 25-P, shall be punishable with an imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction"; and

(b) sub-section (3) shall be omitted.

O. P. MEHRA,
Governor of Rajasthan.

Published in the Rajasthan Gazette, Extraordinary Part IV (Ga),
dated September 17, 1983

THE RAJASTHAN ENTERTAINMENTS AND ADVERTISEMENTS
TAX RULES, 1983

FINANCE (Gr. IV) DEPARTMENT

S.O. 86. —(Jaipur, September 17, 1983) —In exercise of the powers conferred by section 18 of the Rajasthan Entertainment and Advertisement Tax

Act, 1957 (Rajasthan Act 24 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Entertainments Tax Rules, 1957 and with reference to the proviso to sub-section (4) of the said section orders that previous publication of these rules is dispensed with as the State Government considers that they should be brought into force at once, namely :—

1. (a) These Rules may be called the **Rajasthan Entertainments and Advertisements Tax (Amendment) Rules, 1983.**

(b) They shall come into force at once.

2. After Rule 15 of the Rajasthan Entertainments and Advertisements Tax Rules, 1957, the following new rule 15-A shall be added, namely ;—

“15-A. Condition for compounding the tax payable in respect of entertainment exhibition through Video Cassette Recorder-Television Set or Video Cassette Player Set ;—

The fixed sum on the payment of which, the entertainment tax payable in respect of entertainment by exhibition through Video Cassette Recorder-Television Cassette Set or Video Cassette Player Set, may be compounded shall be as under :—

(a) In places where no permanent Cinema House exists Rs. 250/- per calendar month or part thereof.

(b) In places where permanent Cinema House exists and the population is below one lac Rs. 50/- per calendar month or part thereof.

(c) In places where permanent Cinema House exists and the population is one lac and above Rs. 1,000/- per calendar month or part thereof”.

Published in the Rajasthan Gazette, Extraordinary Part 4 (Ga)
dated September 19, 1983.

**THE RAJASTHAN PETROLEUM PRODUCTS (LICENSING AND
CONTROL) (AMENDMENT) ORDER, 1983
FOOD & CIVIL SUPPLIES DEPARTMENT**

S.O. 87. —(*Jaipur, September 19, 1983* —In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act X of 1955) read with the Orders of the Government of India in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) published under S. O 681 (E) and 682 (E), dated 30th November, 1974, the State Government hereby makes the following order further to amend the Rajasthan Petroleum Products (Licensing and Control) Order, 1979, namely :—

1. *Short title and commencement.*—(1) This order may be called the **Rajasthan Petroleum Products (Licensing and Control) (Amendment) Order, 1983.**

(3) It shall come into force at once.

2. In the Rajasthan Petroleum Products (Licensing and Control) Order, 1979 the following amendments shall be made, namely :—

(i) After the existing Sr. No. 3 of Form ‘A’ the following new Sr. No. 4 shall be inserted.—

(4) Particulars of Petroleum Products for which the applicant wants to

obtain license :—

As a Wholesaler

- 1.....
- 2.....
- 3
- 4

As a Retailer

- 1.....
- 2
- 3.....
- 4.....

(ii) The existing Sr. No. 4 to 12 shall be renumbered as Sr. No. 5 to 13 respectively.

Published in the Rajasthan Gazette, Extraordinary Part 4 (Ga)
dated October 13, 1983.

**THE RAJASTHAN TENANCY (GOVERNMENT) (SECOND
AMENDMENT) RULES, 1983**

REVENUE (Gr. IV) DEPARTMENT

G.S.R. 135 — Jaipur, September 28, 1983.—In exercise of the powers conferred by Section 257 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the State Government hereby makes the following rules further to amend the Rajasthan Tenancy (Government) Rules, 1955 and orders, with reference to the proviso to sub-section (1) of Section 59 of the said Act, that the previous publication of these rules is dispensed with as the State Government considers that they should be brought into force at once, namely :—

1. (i) These rules may be called the **Rajasthan Tenancy (Government) (Second Amendment) Rules, 1983.**

(ii) They shall come into force at once.

2. In rule 7 of the Rajasthan Tenancy (Government) Rules, 1956 :—

(a) In clause (ii) of sub-rule (1) —

(i) for the expression “two acres per village in all,” for expression “five acres per village in all,” shall be substituted.

(ii) to clause (ii) of sub-rule (1) as so amended, the following proviso shall be added, namely :—

“Provided that in case of necessity, diversion of pasture land may be made upto ten acres per village on the condition that an equal area of unculturable Government land is set apart for pasturage in the village;”

(b) after clause (iv) of sub rule (1), the following new clause shall be added, namely :—

“(iv) in a municipality area, except the area in the jurisdiction of the Jaipur Development Authority, for the extension of the existing abadi up to five acres and for the construction of public parts upto five acres.”

THE END

PART V

GUJARAT ACTS & ORDINANCES

1983

THE BOMBAY STAMP (GUJARAT AMENDMENT) ACT, 1982

The following Act of the Gujarat Legislature, received the assent of the Governor on 1st April, 1982, and was published in the Gujarat Govt. Gazette, Part IV, dated 1st April, 1982.

GUJARAT ACT NO. 21 OF 1982

An Act further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Thirty-third year of the Republic of India as follows :-

1. *Short title and commencement.*—(1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 1982.

(2) This section shall come into force at once, and the remaining provisions of the Act shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act.

2. *Amendment of section 2 of Bom. LX of 1958.*—In the Bombay Stamp Act, 1958 (Bom. LX of 1958) (hereinafter referred to as "the principal Act"), in section 2,—

(1) clause (e) shall be deleted;

(2) after clause (n), the following clause shall be inserted, namely :—
“(na) ‘market value’ in relation to any property which is the subject matter of an instrument, means the price which such property would have fetched if sold in open market on the date of execution of such instrument.”

3. *Deletion of section 3A of Bom. LX of 1958.*—In the principal Act, section 3A shall be deleted.

4. *Amendment of section 4 of Bom. LX of 1958.*—In the principal Act, in sec. 4, in sub-section (1) for the words “five rupees” the words “ten rupees” shall be substituted.

5. *Amendment of section 8 of Bom. LX of 1958.*—In the principal Act, in section 1,—

(1) in sub-section (1) after the words “for the time being in force,” the words “or any corporation established by law by Government or any Government company raising a loan,” shall be inserted;

(2) in sub-section (2) after the words “exemption certain bonds or securities”, the words “issued by any local authority” shall be inserted;

(3) in sub-section (3) after the words “the local authority” the words “the corporation or the Government company” shall be inserted;

6. *Amendment of section 10 of Bom. LX of 1958.*—In the principal

Act, in section 10, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) (a) Notwithstanding anything contained in sub-section (1) where,

(i) the State Government, in relation to any area in the State, or
(ii) the Collector, in relation to any area in the district under his charge, is satisfied that on account of temporary shortage of stamps in any area, duty cannot be paid, and payment of duty cannot be indicated on such instruments the registration of which is compulsory under the Registration Act, 1908, (16 of 1908), by means of stamps, the State Government, or, as the case may be, the Collector, may, by notification in the Official Gazette, direct that, in such area and for such period as may be specified in such notification, the duty may be paid in cash in any Government treasury or sub-treasury and the officer-in-charge of such treasury or sub-treasury shall, on production of a challan evidencing payment of stamp duty in the Government treasury, certify by endorsement on the instrument in respect of which the stamp duty is paid, that the duty has been paid, and state in the said endorsement the amount of the duty so paid.

(b) An endorsement made on any instrument under clause (a) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such instrument by means of stamps, under sub-section (1)”.

7. *Deletion of section 11 of Bom. LX of 1958.*—In the principal Act, section 11 shall be deleted.

8. *Amendment of section 17.*—In principal Act, in section 17 the proviso shall be deleted.

9. *Substitution of section 25 of Bom. LX of 1958.*—In the principal Act, for section 25, the following section shall be substituted, namely :—

“25. *Deduction of duty to be made when property mortgaged is transferred to mortgagee* :—Where any property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer, the amount of any duty already paid in respect of the mortgage.”

10. *Amendment of section 28 of Bom. LX of 1958.*—In the principal Act, in section 28, for the words and bracket, “The consideration (if any)”, the words and brackets, “The consideration (if any), market value” shall be substituted.

11. *Amendment of section 29 of Bom. LX of 1958.*—In the principal Act, in section 29,—

(1) in sub-section (1),—

(a) for the words “Where any property has been contracted to be sold for consideration for the whole” the words “Where the whole of the property has been contracted to be sold” shall be substituted;

(b) for the words “the consideration shall be” the words “the market value of the whole of the property shall be” shall be substituted;

(c) for the word, “consideration” occurring for the third and fourth time, the words “market value” shall be substituted;

(2) in sub-section (2),—

(a) for the words, "Where property contracted to be purchased for one consideration for the whole", the words "Where whole of the property contracted to be purchased" shall be substituted;

(b) the words "for distinct part of the consideration" shall be deleted;

(c) for the words "in respect of the distinct part of the consideration therein specified", the words "in respect of the market value of such part of the property" shall be substituted;

(3) in sub-section (3) for the words "in respect of the market value of the property at the sale", the words "in respect of the market value of the property at the time of sale" shall be substituted;

(4) in sub-section (4),—

(a) for the portion beginning with the words "in respect only of the consideration paid by such sub-purchaser" and ending with the words "considerations paid by the sub-purchasers" the following shall be substituted, namely:—

"in respect only of the market value of the part sold to the sub-purchaser, without regard to the amount of the market value of the whole property conveyed by the original seller; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad valorem duty in respect of the market value of such residue";

(b) in the proviso,—

(i) for the words and figures "Article 27" the word and figures "Article 20" shall be substituted;

(ii) for the words "three rupees" the words "eight rupees" shall be substituted;

(5) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty according to the market value of the property so conveyed and is duly stamped accordingly, any conveyance to be made afterwards to him in respect of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property so conveyed or where such duty exceeds eight rupees with a duty of eight rupees".

12. *Amendment of section 30 of Bom. LX of 1958.*—In the principal Act, in section 30, in clause (a) for the figures "15, 16, 30, 35, 37, 45, 58, 59, 60, 61, 65 and 63" the figures "14, 15, 23, 27, 29, 36, 49, 50, 51, 52, 56 and 56" shall respectively be substituted.

13. *Amendment of section 31 of Bom. LX of 1958.*—In the principal Act, in section 31 the following sub-section shall be added at the end, namely:—

"(3) Where an officer appointed as a Collector under clause (f) of section 2 has reason to believe that the market value of the property, which is the subject matter of the instrument, received by him for adjudication, has not been truly set forth therein, he shall, before assessing the stamp duty under this section, refer the instrument to the

Collector of such district in which either the whole or any part of the property is situate, for determining, in accordance with the procedure laid down in section 32A, the true market value of such property and the proper duty payable on the instrument."

14. *Insertion of sections 32-A and 32B in Bom. LX of 1958.*—In the principal Act, in Chapter III, after section 32, the following sections shall be inserted, namely :—

"32A. *Determination of market value of property which is the subject-matter of conveyance etc.*—(1) If any officer registering under the Registration Act, 1908. (16 of 1908) an instrument of conveyance exchange, gift, partition, partnership or settlement, or power of attorney or any person referred to in section 33, before whom such instrument is produced or comes in the performance of his functions, has reason to believe that the consideration set forth therein does not approximate to the market value of the property which is the subject-matter of such instrument, or as the case may be, the market value of the property which is the subject-matter of such instrument, has not been truly set forth therein, he may after registering the instrument or, as the case may be, performing his functions in respect of such instrument, refer the instrument to the Collector of such district in which either the whole or any part of the property is situated for determining of the true market value of such property and the proper duty payable on the instrument under this section.

(2) On receipt of the instrument under sub-section (3) of section 31 or sub-section (1) of this section, the Collector of the district shall, after giving the parties concerned a reasonable opportunity of being heard, and in accordance with the rules made by the State Government in this behalf, determine the true market value of the property which is the subject-matter of the instrument and the proper duty payable thereon.

(3) Upon such determination, the Collector of the district shall require the party liable to pay the duty, to make payment of such amount as is required to make up the difference between the amount of duty determined under this sub-section and the amount of duty already paid by him and, shall also require such party to pay a penalty which shall not be less than such difference and not more than twice the amount of such difference, and on payment, return the instrument to the officer referred in sub-section (5) of section 31 or, as the case may be, sub-section (1) of this section.

Provided that, no such party shall be required to pay any amount to make up the difference or to pay any penalty under this sub-section if the difference between the amount of the consideration or, as the case may be, the market value as set forth in the instrument and the market value as determined by the Collector of the district does not exceed ten per cent of the market value determined by the Collector of the district.

(4) The Collector of the district may, suo moto or on receipt of information from any source, within two years from the date of registration of any instrument referred to in sub-sec. (1), (not being the instrument upon which an endorsement has been made under sec. 32 or the instrument in respect of which the proper duty has been determined by him under sub-section (3) or an instrument executed before the date of the commencement of the Bombay Stamp (Gujarat Amendment) Act

1982 (Guj. 21 of 1982) call for and examine the instrument for the purpose of satisfying himself as to the correctness of the consideration or of the market value of the property which is the subject matter of such instrument and the duty payable thereon; and if on such examination, he has reason to believe that the consideration does not approximate to the market value of such property, or, as the case may be, market value of such property has not been truly and fully set forth in the instrument, he shall proceed as provided in sub-sections (2) and (3).

32B. Statement of the case by the Collector.—(1) Any person aggrieved by an order of the Collector determining the market value under section 31 or, as the case may be, under section 32A, may, after depositing with the Collector seventy five per cent of the amount of duty or, as the case may be, the amount of the difference of duty payable by him by application presented within a period of sixty days from the date of such order and accompanied by a fee of one hundred rupees require the Collector to draw up a statement of the case and refer it to the Chief Controlling Revenue Authority and the Collector shall, within sixty days of the receipt of such application draw up a statement of the case and refer it to the Authority.

Provided that where in any particular case the Authority is of the opinion that the deposit of the amount by the applicant will cause undue hardship to him, the Authority may, in or direction, either unconditionally or subject to such conditions as it may think fit to impose, dispense with a part of the amount deposited so however that the part of the amount so dispensed with shall not exceed fifty per cent of the amount deposited or required to be deposited.

(2) Such Authority shall consider the case and send a copy of its decision to the Collector who shall proceed to assess and charge the duty (if any) in conformity with such decision.

(3) The decision given by the Authority under sub-section (2) shall be final.

15. Amendment of section 33 of Bom. LX of 1958.—In the principal Act, in section 33, in sub-section (1), for the words "Every person" the words, figures and letter "Subject to the provisions of section 32A, every person" shall be substituted.

16. Amendment of section 34 of Bom. LX of 1958.—In the principal Act, in section 34, after the words "No instrument chargeable with duty" the brackets, words figures and letter "(not being an instrument referred to in sub-section (1) of section 32A)" shall be inserted.

17. Amendment of section 41 of Bom. LX of 1958.—In the principal Act, in section 41, in sub-section (1), after the words, "any instrument" the brackets, the words, figures and letter "(not being an instrument referred to in sub-section (1) of section 32A)" shall be inserted.

18. Amendment of section 53 of Bom. LX of 1958.—In the principal Act, in section 53, in sub-section (2) after the words and figures "under section 31" words figures and letter "section 32A" shall be inserted.

19. Substitution of Schedule I of Bom. LX of 1958.—In the principal Act, for Schedule I, the following Schedule shall be substituted, namely :—

**"SCHEDULE-I
STAMP DUTY ON INSTRUMENTS
(See section 3)**

Description of Instrument	Proper stamp-duty
1. ACKNOWLEDGEMENT of a debt exceeding twenty rupees in amounts or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession : Provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	Fifty paise.
2. ADMINISTRATION-BOND, including a bond given under the Indian Succession Act, 1925 (XXXIX of 1925) or section 6 of the Government Saving Banks Act, 1873 (V of 1873)	Subject to a maximum of forty rupees, four rupees for every hundred rupees or part thereof of the value of the bond.
3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Fifty rupees.
4. AFFIDAVIT, including an affirmation of declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Ten rupees.
Exemptions Affidavit or declaration in writing when made— (a) as a condition of enrolment under the Army Act, 1950 (XLVI of 1950) or the Air force Act, 1950 (XLV of 1950). (b) for the immediate purpose of being filed or used in any Court or before the officer of any court ; or (c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT	
(a) if relating to the sale of a bill of exchange ;	Fifty paise
(b) if relating to the purchase or sale of a Government security ;	Subject to a maximum of forty rupees twenty five paise for every rupees 10,000 or

Schedule I. (Contd.).

Description of Instrument	Proper stamp-duty
(c) if relating to the purchase or sale of shares, scrips stocks, bonds, debentures, stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate...	part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(i) when such agreement or memorandum of an agreement is with or through a member or between members of a Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956 (XLII of 1956) ;	In the case of forward contracts relating to the purchase or sale of securities ;
(ii) in other cases;	(a) where the value of the Security at the time of its purchase or sale, as the case may be, does not exceed Rs. 2,500 twenty paise ; (b) where such value exceeds Rs. 2,500 thirty five paise for every 5,000 or part thereof.
(d) if relating to the purchase or sale of cotton including cotton pods or kapas (unginned cotton)	Fifty paise on every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(e) if relating to purchase or sale of bullion or specie;	Twenty five paise for every unit of transaction or part thereof.
(f) if relating to purchase or sale of oil seeds;	(a) Ten paise for every unit of 10 kilogram of silver or part thereof.
	(b). Forty paise for every unit of 1 kilogram of gold or part thereof.
	(c) Seventy five paise for every unit of 250 sovereigns or part thereof.
	Such rate not exceeding—
	(i) Fifty paise for every 5,000 kilograms of oil seeds or part thereof where the unit is 5,000 kilograms;

Schedule I (Contd.)

Description of Instrument	Proper Stamp-duty
(g) if relating to the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind;	(ii) One rupee for every 10,000 kilograms of oilseeds or part thereof where the unit is 10,000 kilogram, or (iii) Two rupees for every 25,000 kilograms of oilseed or part thereof where the unit is 25,000 kilograms. as may be specified by the State Government by notification in the Official Gazette. (1) In the case of yarn and spices such rate not exceeding one rupee for every Rs. 2,500 or part thereof of the value of yarn of any kind or spices of any kind as may be specified by the State Government by notification in the Official Gazette. (2) In the case of groundnut oil or any other non-mineral oil such rate not exceeding— (i) twenty-five paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil weighing approximately 16.50 kilograms, or (ii) fifty paise for every 5,000 kilograms of such oil or part thereof where the unit is 5,000 kilograms, or (iii) one rupee for every 10,000 kilograms of such oil or part thereof, where the unit is 10,000 kilograms, or (iv) two rupees and twenty five paise for every 25,000 kilograms of such oil or part thereof where the unit is 25,000 kilograms, as may be specified by the State Government by notification in the Official Gazette. (h) if not otherwise provided for Ten rupees.

Schedule I (Contd.)

Description of Instrument	Proper Stamp-duty
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EXEMPTION

Agreement or Memorandum of Agreement,—

(a) for or relating to the purchase or sale of goods or merchandise exclusively, not being an agreement or memorandum of agreement chargeable under entry (d), entry (e), entry (f) or entry (g) of this Article or a note or memorandum chargeable under Article 40 ;

(b) made in the form of tenders to the Central Government for or relating to any loan.

Explanation.—For the purposes of entry (d) of this article unit of transaction means the quantity of cotton weighing approximately 4,500 kilograms.

AGREEMENT TO LEASE (See Lease No. 30)

6. AGREEMENT OR MEMORANDUM OF AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN OR PLEDGE, that is to say any instrument evidencing an agreement or memorandum of agreement relating to—

(1) the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement,—

(i) where the amount of loan or debt does not exceed Rs. 10,000

Rs. 50/-

(ii) where it exceed Rs. 10,000 but does not exceed Rs. 50,000

Rs. 100/-

(iii) where it exceeds Rs. 50,000 but does not exceed Rs. 1,00,000

Rs. 250/-

Schedule I (Contd)

Description of Instrument	Proper Stamp-duty
(iv) where it exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000	Rs. 500/-
(v) where it exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000	Rs. 750/-
(vi) where it exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000	Rs. 1000/-
(vii) where it exceed Rs. 15,00,000 but does not exceed Rs. 30,00,000	Rs. 2500/-
(viii) where it exceeds Rs. 30,00,000	Rs. 5000/-
(b) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable under sub-clause (a),

Exemption

Instrument of pawn or pledge of goods if unattested.

7. ALTERATION OF ARTICLES OF ASSOCIATION of a Company under section 97 of the Companies Act, 1956, (I of 1956), in consequence of increase of the company's share capital Instrument of—

A sum equal to the duty that would have been leviable under Article 12 as though the company's nominal share capital had been when the company was formed, equal to the total share capital so increased, less the sum already paid under article 12.

Exemption

Instrument of alteration of articles of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (I of 1956).

8. ALTERATION OF MEMORANDUM OF ASSOCIATION of a Company, under section 97 of the Companies Act 1956, (I of 1956), in consequence of increase of company's share capital, Instrument of—

(a) If the memorandum of association has been accompanied under section 26 of the Companies Act, 1956, (I of 1956), by articles of association on the alteration of which duty is paid under article 7 ;

Nil

(b) if the memorandum of association has not been so accompanied and the duty is not so paid ;

The same duty as is leviable on the memorandum of association under clause (b) of Article 35 as though the

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
Exemption Instrument of alteration of memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956, (I of 1956.)	company's share capital, when the company was formed, had been equal to the total share capital so increased, less the sum already paid under the said clause (b).
9. APPOINTMENT IN EXECUTION OF A POWER ; where made by any writing not being a will—	
(a) of trustees	One hundred rupees.
(b) of property movable or immovable	Two hundred and fifty rupees.
10. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit,	Subject to a maximum of forty rupees, four rupees for every hundred rupees or part thereof.
Exemptions	
(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
11. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment.	Fifty rupees.
Exemption	
Instrument of apprenticeship by which a person is apprenticed by or at the charge of any public charity.	
12. ARTICLES OF ASSOCIATION OF A COMPANY—	
(a) where the company has no capital or the nominal share capital does not exceed Rs. 1,00,000	Two hundred rupees.

Schedule I (Contd.)

Description of Instrument	Proper stamp-duty
(b) where the nominal share capital exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000.	One thousand rupees.
(c) where the nominal share capital exceeds Rs. 5,00,000 but does not exceed Rs. 15,00,000	Three thousand rupees.
(d) where the nominal share capital exceeds Rs. 15,00,000 but does not exceed Rs. 30,00,000	Six thousand rupees
(e) where the nominal share capital exceeds Rs. 30,00,000 but does not exceed Rs. 50,00,000.	Ten thousand rupees.
(f) where the nominal share capital exceed Rs. 50,00,000 but does not exceed Rs. 1,00,00,000.	Fifteen thousand rupees.
(g) where the nominal share capital exceeds Rs. 1,00,00,000	Twenty thousand rupees.

Exemptions

Articles of Association of any company not formed for profit and registered under section 25 of the Companies Act, 1956 (I of 1956).

See also Memorandum of Association (No. 35)

ASSIGNMENT See Conveyance (No. 20). Transfer (No. 56) and Transfer of Lease (No. 57), as the case may be.

ATTORNEY, See Power of Attorney (No. 45).

AUTHORITY TO ADOPT, See Adoption—Deed (No. 3).

13. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition on a reference made otherwise than by an order of the Court in the course of a suit.

Exemption

Award under the Gujarat Municipalities Act, 1963. (Guj. 34 of 1964), sec. 268 or the Bombay Hereditary Offices Act, 1874 (Bom. III of 1874), section 18.

The same duty as a Bond (No. 14) for the amount or value of the property to which the award relates subjects to a maximum of forty rupees.

Schedule I, (Contd.)

Description of Instrument	Proper stamp-duty
14. BOND as defined by section. 2(c) not being a debenture and not being otherwise provided for by this Act, or by the Bombay Courtfees Act, 1959 (Bond XXXVI of 1959).	Four rupees for every Rs. 100 or part thereof of the amount or value secured by the bond.
See Administration Bond (No. 2), Bottomry Bond (No. 15) Customs Bond or Excise Bond (No. 23). Indemnity Bond (No. 29), Respondentia Bond (No. 50), Security Bond (No. 51).	
Exemption	
Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.	
15. BOTTOMRY BOND, that is to say, any instrument whereby the matter of a seagoing ship borrows money on the security of the ship to enable him to Preserve the ship or prosecute her voyage.	The same duty as a Bond (No. 14) for the same amount.
16. CANCELLATION-Instrument of including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Twenty rupees,
See also Release (No. 49), Revocation of Settlement (No. 52-B), Surrender of Lease (No. 55), Revocation of Trust (No. 58-B).	
17. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public action by a Civil or Revenue Court or Collector or other Revenue Officer or by an officer, of Customs.	The same duty as is leviable on a conveyance under Article 20 for a market value equal to the amount of the purchase money.
18. CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person either to any share, scrip or stock in or of any incorporated company, or other body corporate, or to become proprietor of shares, scrip or stock, in or of any such company or body. See also Letter of Allotment of Shares (No. 31).	One rupee.

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
19. COMPOSITION DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence for the benefit of his creditors.	One hundred rupees
20. (a) CONVEYANCE not being a transfer charged or exempted under Article No. 56.	Eight rupees for every Rs. 100 or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance which ever is greater.
Exemption—Assignment of copyright by entry made under the Copyright Act, 1957 (XIV of 1957).	
(b) CONVEYANCE (not being a transfer charged or exempted under Article No. 56) so far as it relates to premises of a co-operative society registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) by such society in favour of its member (whether in consequence of purchase of its shares or not) or by such member in favour of another member (whether in consequence of transfer of his shares to another member or not.)	Four rupees for every Rs. 100 or part thereof of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance, whichever is greater.
Explanation.—For the purposes of this Article, the expression "premises" means any land or building or part of a building including any flat, apartment tenement, shop or warehouse therein and includes :—	
(i) gardens, grounds and outhouses, if any, appertaining to such building or part of a building, and	

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof.	
21. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees.	Ten rupees.
Exemptions	
(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	The same duty as is payable on the original subject to a maximum of ten rupees.
(b) Copy of, or extract from any register relating to births, baptisms, namings, dedications, marriages divorces, deaths or burials.	
22. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid.	
Exemption	
Counterpart of any lease granted to a cultivator when such lease is exempted from duty.	Subject to a maximum of forty rupees, four rupees for every Rs. 100 or part thereof of the amount of bond.
23. CUSTOMS BOND OR EXCISE BOND, that is to say any bond given pursuant to the provisions of any law for the time being in force or to the direction of any officer of Customs or Excise for; or in respect of, any of the duties of Customs or Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto.	
DECLARATION OF ANY TRUST, See Trust (No. 58).	
24. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, in the warehouse in which goods are stored, or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods upon the sale or transfer of the property therein when such goods exceed in value twenty rupees.	Ten rupees.
DEPOSIT OF TITLE-DEEDS See Agreement relating to Deposit of Title Deeds, Pawn or pledge. (No. 6).	

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
DISSOLUTION OF PARTNERSHIP See Partnership (No. 44).	
25. DIVORCE-Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Fifty rupees.
DOWER-Instrument of, See Settlement (No. 52).	
DUPLICATE, See Counterpart (No. 22).	
26. EXCHANGE OF PROPERTY Instrument of—	The same duty as is leviable on a conveyance under article 20 on the market value
EXCISE BOND, see Customs Bond or Excise Bond (No. 23).	of the property of the greatest value.
27. FURTHER CHARGE-Instrument of, that is to say, any instrument imposing a further charge on mortgaged property.	The same duty as is leviable on a conveyance under article 20, for the amount of the further charge secured by such instrument,
28. GIFT-Instrument of not being a Settlement (No. 52) or will or Transfer (No. 56).	The same duty as is leviable on a conveyance under article 20, market value of the
HIRING AGREEMENT or agreement for service. (See Agreement No. 5)	property, which is the subject matter of the gift: Provided that where an instrument of gift contains any provision for the revocation of the gift the value of the property which is the subject matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.
29. INDEMNITY BOND.	The same duty as a Security Bond (No.
INSPECTORSHIP-DEED. See Composition Deed (No. 19).	51) for the same amount.

SCHEDULE I (Contd.)

Description of Instrument	Proper Stamp-duty
30 LEASE, including an under lease or sub-lease and any agreement to let or sub-let.	
(a) Where by such lease the rent is fixed and no premium is paid or delivered.	
(i) Where the lease purports to be for a term of less than one year;	The same duty as a Bond (No. 14) for the whole amount payable or deliverable under such lease.
(ii) Where the lease purports to be for a term of not less than one year but not more than three years;	The same duty as a Bond (No. 14) for the amount or value of the average annual rent reserved.
(ii) where the lease purports to be for a term in excess of three years but not more than ten years ;	The same duty as is leviable on a conveyance under Art. 20 for the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term in excess of ten years but not more than ninety eight years;	The same duty as is leviable on a conveyance under Art. 20 for twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term in excess of thirty years but not more than ninety eight years;	The same duty as is leviable on a conveyance under Art. 20 for thrice the amount or value of the average annual rent reserved.
(vi) where the lease purports to be for a term in excess of ninety eight years;	The same duty as is leviable on a conveyance under Art. 20 for five times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be in perpetuity;	The same duty as is leviable on a conveyance under Art. 20 for one fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(viii) where the lease does not purport to be for any definite term;	The same duty as is leviable on a conveyance under Art. 20 for the amount or value of the average annual rent which would be paid or delivered

SCHEDULE I (Contd.)

Description of Instrument	Proper Stamp-duty
(b) where the lease is granted for a fine or premium or for money advanced or to be advanced and where no rent is reserved.	for the first ten years if the lease continued so long. The same duty as is leviable on a conveyance under Art. 20 for the amount or value of such fine or premium or advance as set forth in the lease.
(c) where the lease is granted for a fine or premium or for money advanced or to be advanced in addition to rent reserved.	The same duty as is leviable on a conveyance under Art. 20 for the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered:
<i>Explanation I</i> —Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this article unless it specifically provided in the lease that rent paid in advance will be set-off towards the last instalment or instalments of rent.	Provided that, in any case where an agreement to lease is stamped with <i>ad volorem</i> stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed ten rupees.
<i>Explanation II</i> .—When a lessee undertakes to pay any recurring charge such as Government revenue, landlord's share of cesses, or the owner's share of municipal rates of taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee, shall be deemed to be part of the rent.	
31. LETTER OF ALLOTMENT OR RENUNCIATION OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	one rupee.

SCHEDULE I (Contd.)

Description of Instrument	Proper Stamp-duty
See also Certificate or other Document (No. 18).	
32. LETTER OF GUARANTEE.	Twenty rupees
33. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified period suspended their claims and allow the debtor to carry on business at his own discretion.	Thirty rupees
34. MARRIAGE REGULATION.	Ten rupees
35. MEMORANDUM OF ASSOCIATION OF A COMPANY.	
(a) if accompanied by articles of association under section 26 of the Companies Act, 1956;	One hundred rupees
(b) if not so accompanied	
	The same duty as is leviable on article of Association under Article 12 according to the share capital of the company.

Exemption

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (I of 1956).

36. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title Deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 15), Mortgage of Crop (No. 27), Respondentia Bond (No. 50) or Security Bond (No. 51),—

(a) when possession of the property or any part of the property comprised in such deed is or is not given, or is agreed to be given, by the mortgagor.

(b) when a collateral or auxilliary or additional or substituted security or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped.

The same duty as is leviable on a conveyance under Article 20 for the amount secured by such deed.

Five rupees for every sum of Rs. 1000 secured or part thereof.

Exemptions

(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (XIX of

Schedule I (Contd.)

Description of Instrument	Proper stamp-duty
1883) or the Agriculturists' Loans Act, 1884 (XII of 1884), or by their sureties as security for the repayment of such advances.	
(2) Letter of hypothecation accompanying a bill of exchange.	
37. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon many mortgage of a crop whether the crop is or is not in existence at the time of mortgage.	
(a) when the loan is repayable not more than three months from the date of the instrument,	Twenty five paise for every sum of Rs. 100 or part thereof secured by such mortgage.
(b) when the loan is repayable more than three months but not more than eighteen months from the date of the instrument.	One rupee for every sum of Rs. 100 or part thereof secured by such mortgage.
38. NOTARIAL ACT, that is to say, any instrument, endorsement, note attestation, certificate or entry not being a Protest (No. 6) made or signed by a Notary in the execution of the duties of his office, or by any other person lawfully acting as a Notary. See also Protest of Bill or Note (No. 46)	Ten rupees
39. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(a) of cotton including cotton pods or Kapas (Unginned Cotton)	Twenty five paise for every unit of transaction or part thereof
(b) of bullion or specie	(a) Ten paise for every unit of 10 kilograms of silver or part thereof.
	(b) Forty paise for every unit of 1 kilogram of gold or part thereof
	(c) Seventy five paise for every unit of 250 sovereigns or part thereof. Such rate not exceeding—
(c) of oil-seeds	(i) Fifty paise for every 5,000 kilograms of oil seeds or part thereof, where the unit is 5,000 kilograms, or

SCHEDULE I (Contd.)

Description of Instrument	Proper Stamp-duty
(ii) One rupee for every 10,000 kilograms of oilseeds or part thereof where the unit is 10,000 kilograms, or	
(iii) Two rupees for every 25,000 kilograms of oilseeds or part thereof where the unit is 25,000 kilograms, as may be specified by the State Government by notification in the Official Gazette.	
(d) of yarn of any kind, nonmineral oils or spices of any kind.	(1) In the case of yarn and spices; such rate not exceeding One rupee for every Rs. 2,500 or part thereof of the value of yarn of any kind or spices of any kind as may be specified by the State Government by notification in the Official Gazette,
	(2) In the case of groundnut oil or any other non-mineral oil such rate, not exceeding—
	(i) twenty five paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil weighting approximately 16.50 kilograms. or
	(ii) fifty paise for every 5,000 kilograms of such oil or part thereof, where the unit is 5,000 kilograms, or
	(iii) one rupee for every 10,000 kilograms of such oil or part thereof, where the unit is 10,000 kilograms, or
	(iv) two rupees and twenty five paise for every 25,000 kilograms of such oil or part thereof where the unit is 25,000 kilograms, as may be specified by the State Government by notification in the Official Gazette.
(e) Of any other goods exceeding in value twenty rupees.	Fifty paise.
(f) of any share, scrip, stock bond, debenture stock or other marketable security of a like nature exceed-	(1) In the case of forward contracts relating to the purchase or sale of securities. thirtyfive paise or every Rs. 5,000 or part thereof of the value of the security

SCHEDULE I (Contd)

Description of Instrument	Proper Stamp-duty
ing in value twenty rupees, not being a Government Security.	at the time of its purchase or sale, as the case may be.
(g) of a Government security.	(2) In any other case, twenty paise for every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be. Subject to a maximum of forty rupees, twenty five paise for every 10,000 rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

Explanation.—For the purposes of entry (a) of this Article unit of transaction means the quantity of cotton weighing approximately 4,500 kilograms.

40. NOTE or ENTRY The same duty as AGREEMENT in records made or a LETTER RELATING TO DEPOSIT OF TITLE written BY CREDITOR, relating DEEDS (No. 6). to the deposit of title deeds to serve as evidence of the title to any property whatsoever (other than marketable security) where there is no agreement relating to deposit of such title deeds.

41. NOTE OF PROTEST BY THE MASTER OF A SHIP—See also protest by the Master of a Ship (No. 47). Ten rupees.

42. ORDER FOR THE PAYMENT OF MONEY, not being a Bill of Exchange within the meaning of the Indian Stamp Act, 1899 (II of 1899).

(a) where payable otherwise than on demand but not more than one year after date or sight. One rupee for every Rs. 1,000 or part thereof of the amount of bill or note.

(b) where payable at more than one year after date or sight. The same duty as a BOND (No. 14) for the same amount.

43. PARTITIONED— The same duty as a Bond (No. 14) for Instrument of as defined by the amount of the market value of the section 2 (m) separated share or shares of the property N.B.—The largest share remaining after the property is partitioned (or, if there

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
	are two or more shares of equal value and not smaller than any of the other shares, than one of such equal shares) shall be deemed to be that from which the other shares are separated: Provided always that— (a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than ten rupees; (b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment the value for the purpose of duty shall be calculated at not more than five times the annual revenue; (c) where a final order for effecting a partition passed by any Revenue authority or any Civil Court or an award by an arbitrator directing a partition stamped with the stamp required for an instrument of partition, in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed ten rupees.
44. PARTNERSHIP	
(1) Instrument of—	Subject to a maximum of one thousand rupees, one hundred rupees for every Rs. 10 000 or part thereof of the amount of the capital of partnership.
(2)(a) Alteration in the constitution of the partnership in consequence of increase of the capital of the partnership, Instrument of	A sum equal to duty that would have been leviable under clause (1) as though capital of the partnership had been, when the partnership was formed, equal to the capital so increased, less sum already paid under clause (1).
(b) Alteration in the constitution of the partnership in consequence of any reason other than that referred to in sub-clause (a), Instrument of	One hundred rupees
(3) Dissolution of	

SLHEDULE-I-(Contd.)

Description of Instrument	Proper Stamp-duty
(a) where any immovable property is taken as his share on dissolution of partnership by a partner other than a partner who brought that property as his share or contribution to partnership.	The same duty as is leviable on conveyance under Article 20 for the market value of such property or one hundred rupees, whichever is more.
(b) in any other case. 45. POWER OF ATTORNEY as defined by section 2(r) not being a proxy—	One hundred rupees.
(a) when executed for purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.	Ten rupees.
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1982 (XV of 1982).	
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a) ;	Ten rupees.
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ;	Fifty rupees.
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;	One hundred rupees.
(f) when given for consideration and authorising the attorney to sell any immovable property ;	The same duty as is leviable on a conveyance under Article 20 for the amount of the consideration or, as the case may be, the market value of the immovable property whichever is greater.
(g) in any other case.	Ten rupees for each person authorised. N.B.—The term “registration” includes every operation incidental to registration Act, 1908 (XVI of 1908).

Schedule I, (Contd.)

Description of Instrument	Proper stamp-duty
<i>Explanation.</i>—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.	
46. PROTEST OF BILL, OR NOTE, that is to say, any declaration in writing made by a Notary or other person lawfully acting as such, attesting the dishonour of Bill of Exchange or promissory note.	Ten rupees.
47. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship when such declaration is attested or certified by a Notary or other person lawfully acting as such. See also Note of Protest by the Master of ship (No. 41),	Ten rupees.
48. RECONVEYANCE OF MORTGAGED PROPERTY—	Subject to a maximum of forty rupees, four rupees for every Rs. 100 or part thereof of the consideration for which the property was mortgaged.
49. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 24) whereby a person renounces a claim upon another person or against any specified property.	Subject to a maximum of forty rupees, four rupees for every Rs. 100 or part thereof of the amount or value of the claim.
50. RESPONDENTIA BOND that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bond (No. 14) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT See Settlement (No. 52); Trust (No. 58).	
51. SECURITY BOND OR MORTGAGE-DEED executed by way of	Subject to a maximum of forty rupees, four rupees for

Schedule I (Contd.)

Description of Instrument	Proper Stamp-duty
security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract— Exemptions	every Rs. 100 or part thereof of the amount secured.
Bond or other instrument, when executed—	
(a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mansem ;	
(b) under the rules made by the State Government under section 76 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879) ;	
(c) executed by persons taking advances under the Land Improvement Loans Act, 1883, (XIX of 1883) or the Agriculturists, Loans Act, 1884, (XII of 1884) or by their sureties as security for the payment of such advances ;	
(d) executed by officers of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
52. SETTLEMENT—	
A—Instrument of (including a deed of dower)-	
(i) where the settlement is made for a religious or charitable purpose.	The same duty as a Bond (No. 14) for a sum equal to the amount or, as the case may be, the market value of property settled.
(ii) in any other case,	The same duty as is leviable on a conveyance under Art. 20 for the amount or, as the case may be, the market value of the property settled :
	Provided that where an agreement to settle is stamped

Schedule I (Contd)

Description of Instrument	Proper Stamp-duty
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with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such Agreement is subsequently executed, the duty on such instrument shall not exceed ten rupees :

Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or, as the case may be, the market value of the property settled shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.

Exemption

Deed of dower executed on the occasion of a marriage between Muhammadans.

B—Revocation of—

(i) in respect of settlement described in A(i) above.

The same duty as a Bond (No. 14) for a sum equal to the amount or, as the case may be, the market value of the property concerned but not exceeding twenty rupees

(ii) in respect of settlement described in A (ii) above.

The same duty as is leviable on a conveyance under Article 20 for the amount or, as the case may be, the market value of the property concerned but not exceeding twenty rupees.

53. SHARE WARRANTS to bearer issued under the Companies Act, 1956.

The same duty as a Bond (No. 14) for the same amount.

Exemption

Share-warrant when issued by a company in pursuance of the provisions of section 114 of the Companies Act, 1956 (I of 1956) to have effect only upon payment as composition for that duty, to the Collector of Stamp Revenue, of—

Schedule I, (Contd.)

Description of Instrument	Proper Stamp-duty
S. S. 6	
(a) One and a half per centum of the whole subscribed capital of the company, or	
(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—one and a half per centum of the additional capital so issued	
- SCRIIP, See Certificate (No. 18)	
54. SHIPPING ORDER for or relating to the conveyance of goods on board on any vessel.	Fifty paise
55. SURRENDER OF LEASE—	Subject to a maximum of forty rupees. The duty with which such lease chargeable.
Exemption	
Surrender of lease, when such lease is exempted from duty.	
56. TRANSFER (whether with or without consideration)—	
(a) of debentures, being marketable securities whether the debenture is liable to duty or not except debentures provided for by section 8 of the Indian Stamp Act, 1899 (II of 1899) :	Twenty five paise for every Rs. 100 or part thereof of the face amount of the debenture.
<i>Explanation.</i> —For the purposes of this clause, the term 'debenture' includes debenture stock.	
(b) of any interest secured by bond, mortgage-deed or policy of insurance.	The same duty as a Bond (No. 14) for such amount or value of the interest as set forth in the transfer subject to a maximum of fifty rupees.
(c) of any property under the Administrators General Act 1963 (45 of 1963) section 22.	Fifty rupees.
(d) of any trust property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	The same duty as a Bond (No. 14) on the market value of the property held on trust subject to a maximum of fifty rupees.
Exemption	
Transfer by endorsement—	

SCHEDULE-I-(Contd.)

Description of Instrument	Proper Stamp-duty
(a) of a bill of exchange, cheque or a promissory note; (b) of a bill of lading, delivery order, warrant for goods or other mercantile document of title of goods; (c) of a policy of insurance; (d) of securities of the Central Government.	The same duty as is leviable on a conveyance under Article 20 for the amount of consideration for the transfer.
57. TRANSFER OF LEASE by way of assignment and not by way of under lease.	
Exemption Transfer of any lease exempt from duty.	
58. TRUST A. Declaration of-of or concerning any property when made by any writing not being a Will.	The same duty as a Bond (No 14) for a sum equal to the amount or market value of the property which is the subject-matter of the trust but not exceeding one hundred rupees.
B. Revocation of-of, or concerning, any property when made by any instrument other than a Will.	The same duty as a Bond (No 14) for a sum equal to the amount or market value of the property which is the subject-matter of the trust, but not exceeding fifty rupees.
(See also Settlement (No. 52) VALUATION, See Appraisement (No. 10).	
59. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	One rupee.

20. *Transitory provision*—Unless the State Government by notification in the Official Gazette, otherwise directs, the instruments described

in Articles 20, 26, 28, 43, 44, 45 and 52 of Schedule I to the principal Act as amended by this Act shall, notwithstanding such amendment, continue to be chargeable with duty of the amount indicated in corresponding Articles 27, 32, 36, 52, 53, 54 and 61 of Schedule I to the principal Act as if the principal Act had not been amended by this Act.

NOTIFICATION

The Bombay Stamp (Gujarat Amendment) Act, 1982.

REVENUE DEPARTMENT

No. GHM/82-83-M-STP-1281/29418-HI *Sachivalaya, Gandhinagar.*
Dated the 8th April, 1982.—In exercise of the powers conferred by sub-section (2) of sec. 1 of the Bombay Stamp (Gujarat Amendment) Act, 1982. (No. 21 of 1982), the Government of Gujarat hereby appoints 12th April, 1982, as the date on which clause (1) of sec. 2 and secs. 3, 4, 5, 6, 7, 8, 12, 19 and 20 of the said Act, shall come into force.

THE GUJARAT SECONDARY EDUCATION (AMENDMENT) ORDINANCE, 1982

The following ordinance was published in the Gujarat Government Gazette Part IV, dated December 2, 1982

GUJARAT ORDINANCE NO. 4 OF 1982

An Ordinance further to amend the Gujarat Secondary Education Act, 1972

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Gujarat Secondary Education Act, 1972;

Now, therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Secondary Education (Amendment) Ordinance, 1982.

(2) It shall come into force at once

2. *Guj. 18 of 1973 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Secondary Education Act, 1972 (Guj, 18 of 1973,) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 3 of Guj 18 of 1973.*—In the Gujarat Secondary Education Act, 1972, (Guj 18 of 1973.) in section 3, under the heading "Class B Elected Members", after clause (vi), the following new clause shall be inserted, namely :—

“(vi-a) One member elected by the non-teaching staff of registered private secondary schools from amongst themselves.”.

STATEMENT

Under the existing provisions of the Gujarat Secondary Education Act, 1972 the non-teaching staff of registered private secondary schools is not represented on the Gujarat Secondary Education Board

constituted under section 3 of the said Act. It is considered necessary to have one member elected by the non-teaching staff of registered private secondary schools from amongst themselves on the said Board. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 22nd November, 1982.

SHARDA MUKERJEE,
Governor of Gujarat.

THE GUJARAT SECONDARY EDUCATION (AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Gujarat Government Gazette, Extra ordinary, Part IV, dated January 28, 1983.

GUJARAT ORDINANCE NO. 4 OF 1983.

An Ordinance further to amend the Gujarat Secondary Education Act, 1972.

Whereas the Legislative Assembly of the State of Gujarat is not in session;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Gujarat Secondary Education Act, 1972 ;

Now, therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely ;—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Secondary Education (Amendment) Ordinance, 1983.

(2) It shall come into force at once

2. *Guj. 18 of 1873 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Secondary Education Act, 1972 (Guj. 18 of 1973.) hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 3 of Guj. 18 of 1973.*—In the principal Act, in section 3, under the heading "Class B Elected Members", after clause (v), the following new clause shall be inserted, namely :—

"(vi-a) One member elected by the non-teaching staff of registered private secondary schools from amongst themselves."

4. *Repeal and saving.*—(1) The Gujarat Secondary Education (Amendment) Ordinance, 1982 (Guj. Ord, 4 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

STATEMENT

Under the existing provisions of the Gujarat Secondary Education Act, 1972 the non-teaching staff of registered private secondary schools was not represented on the Gujarat Secondary Education Board constituted under section 3 of the said Act. It was considered

necessary to have one member elected by the non-teaching staff of registered private secondary schools from amongst themselves on the said Board. As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Secondary Education (Amendment) Ordinance, 1982 (Guj. Ord. No 4 of 1982) was promulgated to achieve the aforesaid object. The said Ordinance was laid before the Gujarat Legislative Assembly in its session held on the 27th December, 1982. However, as the said session which was summoned for the purpose of discussing the situation arising out of cyclone in the State, was of very short duration it was not possible to replace the said Ordinance by an Act of the State Legislature. By virtue of sub-clause (a), of clause (2) of article 213 of the Constitution, the aforesaid Ordinance would cease to operate at the expiration of six weeks from the 27th December, 1982 being the date of reassembly of the Gujarat Legislative Assembly i.e. on the 7th February, 1983. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 27th January, 1983.

SHARDA MUKERJEE,

Governor of Gujarat.

THE GUJARAT SALES TAX (AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated February 4, 1983.

GUJARAT ORDINANCE NO. 5 OF 1983

An Ordinance further to amend the Gujarat Sales Tax Act, 1969.

Whereas the Legislative Assembly of the State of Gujarat is not in session;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Gujarat Sales Tax Act, 1969, (Guj. 1 of 1970.) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Sales Tax (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Guj. 1 of 1970 to be temporarily amended.*—During the period of operation of this Ordinance the Gujarat Sales Tax Act, 1969 (Guj. of 1970.), (hereinafter referred to as "the principal Act"), shall have effect subject to the amendments specified in section 3 to 7.

3. *Amendment of section 2 of Guj. 1 of 1970.*—In the principal Act, in section 2, in clause (26), for the word, figures and letter "13, 15 and 19A" the word, figures and letters "13, 15, 19A and 19B" shall be substituted.

4. *Amendment of section 17 of Guj. 1 of 1970.*—In the principal Act, in section 17,—

(1) in sub-section (1),—

(a) for the words and figures "section 15, 16 or 18 as the case may be" the words, figures and letters "section 15, 16, 18, 19A or 19B, as the case may be," shall be substituted;

(b) for the words and figures "sections 15, 16 and 18" the words, figures and letters "section 15, 16, 18, 19A and 19B" shall be substituted.

(2) in sub-section (2), for the words and figures "section 15, 16 or 18 as the case may be" the words, figures and letters "section 15, 16, 18, 19A or 19B, as the case may be," shall be substituted.

5. *Insertion of new section 19B in Guj. 1 of 1970.*—In the principal Act, after section 19A, the following section shall be inserted, namely :—

"19-B *Levy of sales tax or purchase tax on groundnut or peanut (Arachis hypogaea).*—(1) There shall be levied a sales tax or purchase tax on the turnover of sales or, as the case may be, turnover of purchases of groundnut or peanut (*Arachis hypogaea*) sold or purchased by a dealer liable to pay tax under this Act, at the rate of four paise in the rupee, but after deducting from such turnover—

(i) where such turnover relates to sales of groundnut or peanut, sales or resales of groundnut or peanut to a registered dealer, upon such dealer furnishing such certificate as may be prescribed :

(ii) where such turnover relates to purchases of groundnut or peanut, purchases of groundnut or peanut resold by him.

(2) (a) The sales tax or the purchase tax referred to in sub-section (1) shall be levied only at one stage and that stage shall be the stage of sale or purchase of groundnut or peanut, as the case may be, by the last dealer liable to pay tax.

(b) The provisions of section 9 shall not apply in relation to the stage of sale or purchase of groundnut or, as the case may be, peanut.

(3) Where under any provision of this Act other than this section, any tax has been levied or is leviable on the sale or purchase of the groundnut or peanut no further tax shall be levied under this section on such sale or purchase.

Explanation.—For the purposes of this section the expression "last dealer" shall—

(a) in relation to levy of purchase tax under this section mean a dealer who—

(i) purchases groundnut or peanut from a person who is not a registered dealer but not resell groundnut or peanut so purchased by him;

(ii) purchase groundnut or peanut from a registered dealer but does not resell the groundnut or peanut so purchased by him; and

(b) in relation to levy sales tax under this section mean a dealer who—

(i) purchases groundnut or peanut from a person who is not a registered dealer and resell groundnut or peanut so purchased to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate;

(ii) purchases groundnut or peanut from a registered dealer and resells groundnut or peanut so purchased to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate;

(iii) imports groundnut or peanut and sells groundnut or peanut so imported to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate;

(iv) acquires, receives or comes in possession of groundnut or peanut in any manner other than by way of purchase and sells such groundnut or peanut to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate.”

6. *Amendment of Schedule-II Part B of Guj. 1 of 1970*—In the principal Act, in Schedule II-Part B, in entry 6, item (i) relating to groundnut or peanut shall be deleted.

7. *Amendment of Schedule III of Guj. 1 of 1970*.—In the principal Act, in Schedule III, in entry 13, for the words, figures and letter “in sections 18 and 19A” the words, figures and letters “in section 18, 19A and 19B” shall be substituted

STATEMENT

Large scale evasion of tax on sales and purchase of groundnut or peanut has been brought to the notice of the Government, and in order to prevent the same, it is considered necessary to amend the Gujarat Sales Tax Act, 1969, so as to make a special provision for levy of tax on groundnut or peanut.

2 As the Gujarat Legislative Assembly is not in session, this Ordinance to amend the Gujarat Sales Tax Act, 1969 is promulgated to achieve the aforesaid object.

Gandhinagar.

Dated the 4th Febuars, 1983.

SHARDA MUKERJEE,
Governor of Gujarat.

THE GUJARAT UNIVERSITIES LAWS (AMENDMENT) ORDINANCE, 1983

The following a Ordinance was published in the Gujarat Government Gazette, Extraordinary dated January 25, 1983.

GUJARAT ORDINANCE NO. 3 OF 1983

An Ordinance further to amend Acts relating to certain Universities in the State

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend certain Acts relating to Universities ;

Now, therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement*.—(1) This Ordinance may be called the Gujarat Universities Laws (Amendment) Ordinance, 1983.

(2) It shall come into force at once

2. *Amendment of Acts Relating to certain Univeresties in the State*—Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent speccified against it in the third column thereof.

3. *Transitory provision*.—Where before the commencement of this Ordinance, any reference is made by the Vice-Chancellor to the [Chanc] or under the relevant provision and such reference is pending

before the Chancellor at the commencement of this Ordinance the same shall be disposed of by the Chancellor as if this Ordinance had not been promulgated.

Explanation.—For the purposes of this section relevant provision means the provision relating to disputes as to constitution of university authority or body in any of the Acts specified in the second column of the Schedule.

SCHEDULE

Sr. No. 1	Short title 2	Extent of Amendment. 3
1.	The Maharaja Sayajirao University of Baroda Act, 1949— (Baroda Act 17 of 1949).	For section 60, the following shall be substituted, namely:— “ <i>Disputes as to constitution of University authority or body.</i> —Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute Ordinance or Rule, or (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University, (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and (b) it shall be referred to the State Government if it relates to a matter specified in clause (2), and the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”
2.	The Gujarat University Act, 1949 (Bom. L. of 1949)	For section 58, the following shall be substituted, namely:— 58. “ <i>Disputes as to constitution of University authority or body.</i> —Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or (2) Whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be a member of any authority or other body of the University,

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		(a) it may be referred to the State Government if it relates to a matter specified in clause (1) and (b) it shall be referred to the State Government if— (i) it relates to a matter specified in clause (2), or (ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and the State Government shall after making such inquiry as it deems fit (including giving opportunity of being heard and where necessary) decide the question and its decision shall be final.”
3.	The Sardar Patel University Act, 1955 (Bom XL of 1956).	For section 59, the following be substituted, namely :— 59. “<i>Dispute as to constitution of University authority or body</i>—Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute, Ordinance or Rules, or (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University, (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and (b) it shall be referred to the State Government if— (i) it relates to a matter specified in clause (2), or (ii) if ten fellows so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”

Sr. No. 1	Short title 2	Extent of Amendment. 3
4.	The South Gujarat University Act, 1965 (Guj. 38 of 1965).	For section 59, the following shall be substituted, namely :— 59. "Disputes as to constitution of University authority or body. Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University, (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and (b) it shall be referred to the State Government if— (i) it relates to a matter specified in clause (2), or (ii) if twenty members of the senate so require irrespective of whether it relates to a matter specified in clause (1) or clause (2) and the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final."
5.	The Saurashtra University Act, 1965 (Guj. 39 of 1965).	For section 59, the following shall be substituted, namely :— 59. "Disputes as to constitution of University authority or body. Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute Ordinance, Regulation or Rule, or (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be a member

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of any authority or other body of the University,

- (a) it may be referred to the State Government if it relates to a matter specified in clause (1) and
- (b) it shall be referred to the State Government if—
 - (i) it relates to a matter specified in clause (2) or
 - (ii) if twenty members of the senate so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”

For section 67, the following shall be substituted, namely :—

6. The Bhavnagar University Act, 1978 (Guj. 26 of 1978).

67. “Disputes as to constitution of University authority or body. Where any question arises as to—

- (1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or
- (2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be a member of any authority or other body of the University,
 - (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and
 - (b) it shall be referred to the State Government if—
 - (i) it relates to a matter specified in clause 2, or
 - (ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

the State Government shall after making such inquiry as it deems fit (including

giving an opportunity of being heard where necessary) decide the question and its decision shall be final."

STATEMENT

Under the relevant provision relating to disputes as to constitution of University authority or body in the University Acts in force in the State other than Maharaja Sayajirao University of Baroda Act, 1949, references are made to the Chancellor for deciding those disputes. Since the Governor of Gujarat is the Chancellor in all the Universities of the State except the Maharaja Sayajirao University of Baroda, the duty to decide such disputes devolves upon the Governor. In view of the recent trend of the Courts, the Chancellor is called upon to give hearing to the parties before deciding the disputes. In view of the august position of the Governor it is advisable to absolve the Governor from entertaining controversial disputes. It is, therefore, considered necessary to provide that the references may be made to the State Government instead of to the Chancellor.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the various University Acts in force in the State to achieve the aforesaid object.

SHARDA MUKERJEE
Governor of Gujarat.

Gandhinagar, Dated the 25th January 1983

THE GUJARAT MUNICIPALITIES (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 2nd March, 1983 was published in the Gujarat Government Gazette Extraordinary, dated March 5, 1983.

GUJARAT ACT NO. 2 OF 1983

An Act further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Municipalities (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 17th August, 1982.

2. *Insertion of new section 263A in Guj. 34 of 1964.*—In the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) (hereinafter referred to as "the principal Act"), after section 263, the following new section shall be inserted, namely:—

"263A. *Power of State Government to appoint officer to exercise and perform the duties of municipality when elections cannot be held for reconstituting it.*—(1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, if in respect of any municipality the State Government is satisfied, at any time before or after the date on which it is or has become liable to be reconstituted on account of the expiry of the term of its councillors or otherwise, notwithstanding that the Central Government has taken census under the Census Act, 1948 (37 of 1948) it is not possible to hold elections within reasonable period for the reconstitution of that municipality in accordance with the relevant figures of the census so taken by reason of the fact that—

(a) the relevant figures are not available to the State Government for being notified by the State Government in the Official Gazette, or

(b) that reconstitution of wards, determination of number of councillors to be elected therefrom and preparation of list of voters, on the basis of the relevant figures of the census when made available is not likely to be completed within a reasonable period,

The State Government may, by notification in the Official Gazette make a declaration to that effect.

(2) A notification issued under sub-section (1) in relation to any municipality shall remain in force for such period, not exceeding six months, as may be specified therein:

Provided that if the State Government is of the opinion that it is necessary so to do, it may by order and for reasons to be mentioned therein extend, from time to time, the period so specified; so however, that the notification shall not in any case remain in force for more than one year in the aggregate.

(3) On the issue of a notification under sub-section (1) in relation to any municipality with effect from such date (not being earlier than the date on which the municipality is or has become liable to be reconstituted) as the State Government may by order, specify and so long as that notification remains in force, all the powers and duties of the municipality shall be exercised and performed by such officer of the State Government, as may be specified in the said order.

(4) The State Government shall before the expiry of the period specified in the notification issued under sub-section (1) or extended under the proviso to sub-section (2) as the case may be, take steps for the purpose of reconstituting the municipality in the manner provided in this Act."

3. *Amendment of section 266D of Guj. 34 of 1964.*—In the principal Act, in section 266D, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

"Provided further that the State Government may, from time to time, by an order published in the Official Gazette, extend the period of one year referred to in sub-section (1), or, as the case may be, in the first proviso, by a further period not exceeding one year in the aggregate on account of the circumstances created by reason of the fact specified in clause (a) or clause (b) in sub-section (1) of section 263A."

4. *Repeal and savings* —(1) The Gujarat Municipalities (Amendment) Ordinance, 1983 (Guj. Ord. 1 of 1983) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT PANCHAYATS (AMENDMENT) ACT, 1982

The following Act of the Gujarat Legislature having been assented to by the Governor on the 5th March, 1983 was published in the Gujarat Government Gazette, Part IV No. 8, dated March 9, 1983.

GUJARAT ACT NO. 3 OF 1983

An Act further to amend the Gujarat Panchayats Act, 1961.

It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat Panchayats (Amendment) Act, 1982.

2. *Amendment of section 60 of Guj. VI of 1962.*—In the Gujarat Panchayats Act, 1961 (Guj. VI of 1962) (hereinafter referred to as “the principal Act”), in section 60, in sub-section (1),—

(1) for the words “Any member” the words and brackets “Any member” (other than an associate member)” shall be substituted ;

(2) for the words “such number of members” the words and brackets “such number of members (other than associate members)” shall be substituted.

3. *Amendment of section 72 of Guj. VI of 1962.*—In the principal Act, in section 72, in sub-section (1),—

(1) for the words “Any member” the words and brackets “Any member (other than an associate member)” shall be substituted ;

(2) for the words “such number of members” the words and brackets “such number of members (other than associate members)” shall be substituted.

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 14th March, 1983 was published in the Gujarat Government Gazette, Part IV, No. 9, dated March 21, 1983

GUJARAT ACT NO. 4 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty-first day of March, 1983.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat (Supplementary) Appropriation Act, 1983.

(Text Omitted)

THE GUJARAT APPROPRIATION ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 28th March, 1983 was published in the Gujarat Government Gazette, Part IV, No. 10, dated March 28, 1983.

GUJARAT ACT NO. 5 OF 1983

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty-first day of March, 1984.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat Appropriation Act, 1983.

(Text Omitted)

THE GUJARAT SALES TAX (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 28th March, 1983 was published in the Gujarat Govt. Gazette, Part IV, No. 11, dated March 28, 1983.

GUJARAT ACT NO. 6 OF 1983

An Act further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follow:

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 4th February, 1983.

2. *Amendment of section 2 of Guj 1 of 1970.*—In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as “the principal Act”), in section 2, in clause (26), for the word, figures and letter “13, 15 and 19A” the word, figures and letters “13, 15, 19A and 19B” shall be substituted.

3. *Amendment of section 17 of Guj 1 of 1970.*—In the principal Act, in section 17,—

(1) in sub-section (1),—

(a) for the words and figures “section 15, 16 or 18 as the case may be” the words, figures and letters “section 15, 16, 18, 19A or 19B, as the case may be,” shall be substituted ;

(b) for the words and figures “sections 15, 16 and 18” the words, figures and letters “sections 15, 16, 18, 19A and 19B” shall be substituted ;

(2) in sub-section (2), for the words and figures “section 15, 16 or 18 as the case may be” the words, figures and letters “section 15, 16, 18, 19A or 19B, as the case may be,” shall be substituted.

4. *Insertion of new section 19B in Guj. 1 of 1970.*—In the principal Act, after section 19A, the following section shall be inserted, namely :—

“19B. *Levy of sales tax or purchase tax on groundnut or peanut (Arachis hypogaea).*—(1) There shall be levied a sales tax or purchase tax on the turnover of sales or, as the case may be, turnover of purchases of groundnut or peanut (*Arachis hypogaea*) sold or purchased by a dealer liable to pay tax under this Act, at the rate of four paise in the rupee, but after deducting from such turnover—

(i) where such turnover relates to sales of groundnut or peanut, sales or resales of groundnut or peanut to a registered dealer, upon such dealer furnishing such certificate as may be prescribed.

(ii) where such turnover relates to purchases of groundnut or peanut, purchases of groundnut or peanut resold by him.

(2) (a) The sales tax or the purchase tax referred to in sub-section (1) shall be levied only at one stage and that stage shall be the stage of sale or purchase of groundnut or, as the case may be, peanut by the last dealer liable to pay tax.

(b) The provisions of section 9 shall not apply in relation to the stage of sale or purchase of groundnut or, as the case may be, peanut.

(3) Where under any provision of this Act other than this section, any tax has been levied or is leviable on the sale or purchase of the groundnut or peanut no further tax shall be levied under this section on such sale or purchase.

Explanation.—For the purposes of this section the expression “last dealer” shall—

(a) in relation to levy of purchase tax under this section means a dealer who—

(i) purchases groundnut or peanut from a person who is not a registered dealer but does not resell groundnut or peanut so purchased by him ;

(ii) purchases groundnut or peanut from a registered dealer but does not resell the groundnut or peanut so purchased by him ; and

(b) in relation to levy of sales tax under this section mean a dealer who—

(i) purchases groundnut or peanut from a person who is not a registered dealer and resells groundnut or peanut so purchased to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate ;

(ii) purchases groundnut or peanut from a registered dealer and resells groundnut or peanut so purchased to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate ;

(iii) imports groundnut or peanut and sells groundnut or peanut so imported to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate ;

(iv) acquires, receives or comes in possession of groundnut or peanut in any manner other than by way of purchase and sells such groundnut or peanut to a person who is not a registered dealer or to a registered dealer otherwise than against a certificate.”

5. *Amendment of Schedule-II Part B of Guj. 1 of 1970*—In the principal Act, in Schedule II-Part B, in entry 6, item (i) relating to groundnut or peanut shall be deleted

6. *Amendment of Schedule III of Guj. 1 of 1970.*—In the principal Act, in Schedule III, in entry 13, for the words, figures and letters “in section 18 and 19A” the words, figures and letters “in sections 18, 19A and 19B” shall be substituted.

7. *Repeal and savings.*—(1) The Gujarat Sales Tax (Amendment) Ordinance, 1983 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT SECONDARY EDUCATION (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March, 1983 was published in the Gujarat Government Gazette, Extra ordinary, Part IV, No. 13 dated March 31, 1983.

GUJARAT ACT NO. 8 OF 1983.

An Act further to amend the Gujarat Secondary Education Act, 1972.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Gujarat Secondary Education (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force on the 25th November, 1982.

2. *Amendment of section 3 of Guj 18 of 1973.*—In the Gujarat Secondary Education Act, 1972 (Guj. 18 of 1973) (hereinafter referred to as “the principal Act”), in section 3, under the heading “Class-B Elected Members”, after clause (iv), the following new clause be inserted, namely :—

“(vi-a) One member elected by the non-teaching staff of registered private secondary school from amongst themselves”

3. *Repeal and savings.*—(1) The Gujarat Secondary Education (Amendment) Ordinance, 1983, (Guj. Ord. 4 of 1983.) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT ENTERTAINMENTS TAX (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March, 1983 was published in the Gujarat Government Gazette, Extraordinary, Part IV, No. 15 dated March 31, 1983.

GUJARAT ACT NO. 10 OF 1983

An Act further to amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Gujarat Entertainments Tax (Amendment) Act, 1983**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3 of Guj. 16 of 1977*—In the Gujarat Entertainments Tax Act, 1977 (Guj. 16 of 1977), in section 3, in sub-section (1A), in the Explanation, in clauses (1) and (2), for the figures “20,000” the figures “10,000” shall be substituted.

THE GUJARAT SALES TAX (SECOND AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 28th March, 1983 was published in the Gujarat Government Gazette, Extraordinary Part IV, No. 12, dated March 28, 1983.

GUJARAT ACT NO. 7 OF 1983

An Act further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows —

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Sales Tax (Second Amendment) Act, 1983.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

“STATEMENT OF OBJECTS AND REASONS.

This Act seeks to amend the Gujarat Sales Tax Act, 1969 with a view to giving effects to the proposals contained in the Budget Speech of the Finance Minister in the Assembly on 24th February, 1983.

Opportunity is also taken to insert a new section 52A in the Act with a view to taking power to withhold refund of the tax where the order giving rise to the refund is a subject matter of proceeding under the Act or of a proceeding in any court, tribunal or authority and the authority competent to grant such refund is of the opinion that the grant of refund is likely to adversely affect the revenue of the State. [Vide statement of objects and Reasons printed in the Gujarat Government Gazette, Part V, No. 12, dated 24th March, 1983]”

2. *Insertion of new section 15A in Guj. 1 of 1970.*—In the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970) (hereinafter referred to as “the principal Act”), after section 15, the following new section shall be inserted, namely:—

“15A. *Purchase tax payable on purchases of goods by certain dealers.*—Where—

(i) a recognised dealer purchases any goods specified in Schedule II or III other than prohibited goods, under a certificate given by him under clause (B) of sub-section (1) of section 13, or

(ii) a commission agent holding permit purchases any goods specified in Schedule II or III other than prohibited goods on behalf of his principal who is recognised under a certificate given by him under clause (C) of sub-section (1) of section 13,—

there shall be levied a purchase tax on the turnover of such purchases at the rate of one paise in the rupee.”

3. *Amendment of section 16 of Guj. 1 of 1970.*—In the principal Act, in section 16, after sub-section (4), the following sub-section shall be added, namely:—

“(5) Where a dealer is liable to pay tax under this section, the purchase tax levied or leviable under section 15A shall be set off against the purchase tax payable under this section.”

4. *Amendment of section 17 of Guj. 1 of 1970.*—In the principal Act, in section 17,—

(1) in sub-section (1)—

(a) for the words, figures and letters “15, 16, 18, 19A or 19B”, the words, figures and letters “section 15, 15A, 16, 18, 19A or 19B” shall be substituted;

(b) for the words, figures and letters "sections 15, 16, 18, 19A and 19B" the words, figures and letters "sections 15, 15A, 16, 18, 19A and 19B" shall be substituted ;

(2) in sub-section (2), for the words, figures and letters "section 15, 16, 18, 19A or 19B", the words, figures and letters "15, 15A, 16, 18, 19A or 19B" shall be substituted.

5. *Insertion of new section 30B in Guj 1 of 1970.*—In the principal Act, after section 30A, the following section shall be inserted, namely :—

"30B. *Dealers to furnish security.*—(1) Where it appears necessary to the authority to which an application is made under section 29, 30 or 30A, for issue of certificate of registration, so to do for the proper realisation of the tax, interest and penalty payable under this Act, it may by an order in writing and for the reasons to be recorded therein impose as a condition for the issue of a certificate of registration a requirement that the dealer shall furnish in the prescribed manner and within such time as may be specified in the order such security as may so specified for the aforesaid purpose.

(2) Where it appears necessary to the authority referred to in section 29 so to do for the proper realisation of the tax, interest and penalty payable under this Act, it may, at any time while any certificate of registration (whether issued before or after the commencement of the Gujarat Sales Tax (Second Amendment) Act, 1983) is in force, by an order in writing and for reasons to be recorded therein require the dealer to whom such certificate has been granted, to furnish in the prescribed manner and within such time as may be specified in the order such security or if the dealer has already furnished any security in pursuance of an order under this sub-section or sub-section (1), such additional security, as may be specified in the order for the aforesaid purpose.

(3) No dealer shall be required to furnish any security under sub-section (1) or any security or additional security under sub-section (2) unless he has been given an opportunity of being heard.

(4) The amount of security which a dealer may be required to furnish under sub-section (1) or sub-section (2) or the aggregate of the amount of such security and the amount of additional security which he may be required to furnish under sub-section (2) by the authority referred to therein shall not exceed the amount of tax payable according to the estimate of such authority on the turnover of sales or turnover of purchases of goods of such dealer for the year in which such security or, as the case may be, additional security is required to be furnished.

(5) Where the security furnished by a dealer under sub-section (1) or sub-section (2) is in the form of a surety bond and the surety becomes insolvent or dies, the dealer shall, within thirty days of the occurrence of any of the aforesaid events, inform the authority referred to in section 29 and shall within ninety days of such occurrence furnish a fresh security for the same amount as that of the bond in the form of a bond or in any other prescribed manner.

(6) The authority referred to in section 29 may, by order and for good and sufficient cause, forfeit the whole or any part of the security

furnished by a dealer for realising any amount of the tax, interest or penalty payable by the dealer :

Provided that no order shall be passed under this sub-section without giving the dealer an opportunity of being heard,

(7) Where by reason of an order under sub-section (6) the security furnished by any dealer is rendered insufficient, he shall make up the deficiency in such manner and within such time as may be prescribed.

(8) The authority referred to in section 29 may, on an application made by a dealer in that behalf, make an order for refund of any amount or part thereof deposited by the dealer by way of security under this section, if it is not required for the purpose of realisation of tax, interest or penalty.

(9) Where a dealer fails to furnish security as required under sub-section (1), (2), (5) or (7) the authority referred to in section 29 shall refuse to issue or, as the case may be, shall cancel the certificate of registration :

Provided that the refusal or cancellation of a certificate of registration under this sub-section shall, notwithstanding anything contained in sub-section (3) of section 3, not affect the liability of the dealer to pay the tax (including any penalty and interest) due for any period before or after the date of such refusal or cancellation of the certificate of registration and accordingly the provisions of sections 40, 41, 43, 44, 45, 46, 47, 47A, 57 and 59 shall continue to apply."

6. *Insertion of new section 52A in Guj. I of 1970.*—In the principal Act, after section 52, the following section shall be inserted, namely :—

"52A. *Power to withhold refund in certain cases.*—(1) Where an order giving rise to a refund is the subject matter of an appeal or further proceeding or where any other proceeding under this Act is pending and the authority competent to grant such refund is of the opinion that the grant of the refund is likely to adversely affect the revenue, such authority may, with the previous approval of the Commissioner, withhold the refund till such time as the Commissioner may determine.

(2) Where a refund is withheld under sub-section (1), the State Government shall pay interest in accordance with the provisions of section 54 on the amount of refund ultimately determined to be due to the person as a result of such proceeding, for the period from the date immediately following the expiry of ninety days from the date of the order referred to in sub-section (1) to the date of refund "

7. *Amendment of Schedule I to Guj I of 1970.*—In the principal Act, in Schedule I,—

(1) in entry 1, for sub-entry (c), the following sub-entry shall be substituted, namely :—

1	2	3
“(c) <i>Khakhra, Papad and Papad pipes</i> * * * * * (2) for entry 2, the following shall be substituted, namely :—		

1	2	3
	"2 Cereals and pulses in all forms and flour thereof * *"; except maize flour	

(3) in entry 3, in column 2, for words "at a price of not more than three rupees per person" the words "at a price of not more than five rupees per person" shall be substituted ;

(4) after entry 12, the following entry shall be inserted, namely :—

1	2	3
	"12A Human blood and human blood plasma. * * *";	

(5) after entry 17, the following entry shall be inserted, namely:—

1	2	3
	"18 Wet dates known as <i>khajur</i> or <i>Zahedi</i> or by any other name. * * *";	

(6) in entry 35, in column 2,—

(a) after sub-entry (b) the following Explanation shall be inserted, namely :—

"*Explanation* — For the purpose of this sub-entry "Khadi" means any cloth woven on handloom in India from cotton, silk or woollen yarn hand spun in India or from the mixture of any two or all such yarns, and "Silk Khadi" means cloth woven on handloom in India from silk-yarn hand spun in India";

(b) in sub-entry (c), for the words "in India" the words "in Gujarat" shall be substituted,

(c) the explanation appearing at the end shall be deleted ;

(7) in entry 55, for the words "spectacles and lenses" the words "spectacles, pairs of lenses" shall be substituted.

8. *Amendment of Schedule II-Part A to Guj 1 of 1970.*—In the principal Act, in Schedule II-Part A,—

(1) in entry 4, in columns 3 and 4 for the expression "Do" the words "Eight paise in the rupee" shall be substituted;

(2) after entry 5, the following entry shall be inserted, namely :—

1	2	3	4
	"5A <i>Powrah</i> and pick-axe	Six paise in the rupee	Six paise in the rupee"

(3) in entry 12, in column 2, after item (ix) but before the portion beginning with the words "and such other" and ending with the words "of this entry", the following items shall be inserted, namely :—

"(x) *Pasti*

- (xi) gum paper tape
- (xii) printed wrappers of paper
- (xiii) glass ampules
- (xiv) gelatine capsules” ;
- (4) entry 23-A shall be deleted ;

(5) existing entry 31-A shall be renumbered as sub-entry (1) of that entry and after sub-entry (1), the following sub-entry shall be added, namely :—

1	2	3	4
	“(2) Copier paper, that is to say, paper used in paper copier machine.		”;

(6) in entry 36, after sub-entry (3), the following sub-entry shall be added, namely :—

1	2	3	4
	“(4) Spare parts and accessories of water pumps and water pumping sets.	Six paise in the rupee.	Six paise in the rupee.” ;

(7) in entry 42, for the words “glazed earthenware” the words, brackets, figures and letter “glazed earthenware (other than those specified in entry 42A in this Schedule)” shall be substituted ;

(8) after entry 42, the following entry shall be inserted, namely :—

1	2	3	4
	“42A. Sanitaryware of all kinds and fittings thereof exclud- ing articles made of cement specified in sub-entry (3) of entry 53 in this Schedule.	Twelve paise in the rupee.	Twelve paise in the rupee.” ;

(9) for entry 53, the following entry shall be substituted, namely :—

1	2	3	4
	“53 (1) Pozzolona cement.	Ten paise in the rupee.	Ten paise in the rupee.
	(2) Cement other than Pozzolona cement.	Twelve paise in the rupee.	Twelve paise in the rupee.
	(3) Articles made of cement that is to say, articles in making of which cement is used irrespective of the proportion in which it is used, exclu- ding floor and wall tiles.	Ten paise in the rupee.	Ten paise in the rupee.” ;

(10) For entry 67, the following entry shall be substituted, namely:—

1	2	3	4
	"67 Wooden and cane furniture (other than upholstered furniture) and skeletons thereof excluding wooden cradles (<i>ghodia</i>) and wooden frames of charpai (<i>khatla</i>).	Twelve paise in the rupee.	Twelve paise in the rupee.";

(11) for entry 73, the following entry shall be substituted, namely:—

1	2	3	4
	"73. Furniture of all kinds, upholstered furniture and skeletons of any of them but excluding— (i) wooden and cane furniture and skeletons thereof, and (ii) wooden cradles (<i>ghodia</i>) and frames of charpai (<i>khatla</i>).	Fifteen paise in the rupee.	Fifteen paise in the rupee ";

(12) In entry 75, in columns 3 and 4, for the words "Twelve paise in the rupee" the words "Fifteen paise in the rupee" shall be substituted.

(13) for entry 79, the following entry shall be substituted, namely:—

1	2	3	4
	"79 (1). Duplicating machines, duplicators, plain paper copiers, photo copiers and such other apparatus used for duplication or copying and ribbons plates and stencils used in connection there with : (2) Teleprinters and components, parts and accessories thereof ; (3) Tape recorders, cassette recorders, tape decks, tape players, cassette players (including and combination of them) with or without wireless reception instruments, and magnetic tapes and cassettes for use therewith and components, parts and accessories of any of them.	Fifteen paise in the rupee.	Fifteen paise in the rupee.";

(14) for entry 80, the following entry shall be substituted, namely:—

1	2	3	4
---	---	---	---

"80 (1) Wireless reception instrument (excluding one or two band radio) and apparatus and radio gramophones and electrical valves, batteries transmitters, accumulators, amplifiers and loudspeakers required for use therewith and spare parts and accessories of such wireless instruments, apparatus and radio-gramophones.

Fifteen paise in the rupee. Fifteen paise in the rupee.

(2) One or two band radio.

Twelve paise in the rupee. Twelve paise in the rupee' ;

(15) after entry 80A, the following entry shall be inserted, namely :—

1	2	3	4
"80B Computers, data entry machine and words processors and components, parts and accessories thereof, and tapes, spools and discs used therewith.	Fifteen paise in the rupee.	Fifteen paise in the rupee."	

(16) entry 106 shall be deleted ;

(17) after entry 111, the following entry shall be inserted, namely :—

1	2	3	4
"112 All kinds of weighing machines, appliances, instruments, scales, tubes and system used for weighing, except ordinary weighing scales locally known as Taraju or Tagadi.	Twelve paise in the rupee.	Twelve paise in the rupee."	

9. *Amendment of Schedule II-Part B to Guj 1 of 1970.*—In the principal Act, in Schedule II-Part-B, after entry 13, the following new entries shall be inserted, namely :—

1	2	3	4
"14	Amchur	Ten paise in the rupee.	Ten paise in the rupee.
15	Suva and dhana.	—do—	—do—."

THE GUJARAT UNIVERSITIES LAWS (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor in the 31st March, 1983 was published in the Gujarat Government Gazette, Part IV, No. 14, dated March 31, 1983.

GUJARAT ACT NO. 9 OF 1983

An Act further to amend Acts relating to certain Universities in the State.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 25th January, 1983.

2. *Amendment of Acts relating to certain Universities in the State.*—Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

3. *Transitory provision.*—Where before the commencement of this Act, any reference is made by the Vice-Chancellor to the Chancellor under the relevant provision and such reference is pending before the Chancellor at the commencement of this Act the same shall be disposed of by the Chancellor as if this Act had not been passed.

Explanation.—For the purposes of this section relevant provision means the provision relating to disputes as to constitution of university authority or body in any of the Acts specified in the second column of the Schedule.

4. *Repeal and savings.* (1) The Gujarat Universities Law (Amendment) Ordinance, 1983 (Guj. Ord. 3 of 1983), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Act specified in the second column of the Schedule as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

SCHEDULE

Sr. No.	Short title	Extent of Amendment
1	2	3
1. The Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act 17 of 1949).	For section 60, the following shall be substituted, namely :— 60. “<i>Disputes as to constitution</i>’ of University authority or body.—Where any question arises as to— (1) the interpretation of any provision of this Act, or of any Statute, Ordinance or Rule, or (2) whether a person has been duly elected or appointed as, or ceases to be entitled to be, a member of any authority or authority or order body of the University, (a) it may be referred to the State Government if it relates to a matter specified in clause (1), and	

1	2	3
---	---	---

2. The Gujarat University Act, 1949 (Bom. L. of 1949).

(b) it shall be referred to the State Government if it relates to a matter specified in clause (2), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”.

For section 58, the following shall be substituted, namely :—

58. “*Disputes as to constitution of University authority or body.*—Where any question arises as to—

(1) the interpretation of any Statute, Ordinance, Regulation or Rules, or

(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University,

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

(b) it shall be referred to the State Government if—

(i) it relates to a matter specified in clause (2), or

(ii) if twenty members of the Court so require, irrespective of whether specified in clause (1) or clause (2), and the State Government shall after making such inquiry as it deems fit (including giving opportunity of being heard where necessary) decide the question and its decision shall be final.”.

3. The Sardar Patel University Act, 1955 (Bom. XL of 1955).

For section 59, the following shall be substituted, namely :—

59. “*Disputes as to constitution of University authority or body.*—Where any question arises as to—

(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or

(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of

1	2	3
---	---	---

any authority or other body of the University.

(a) it may be referred to the State Government if it relates to a matter specified in clause (1); and

(b) it shall be referred to the State Government if—

(i) it relates to a matter specified in clause (2), or

(ii) if ten Fellows so require irrespective of whether it relates to a matter specified in clause (1) or clause (2), and the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”

4. The South Gujarat University Act, 1965 (Guj. 38 of 1965).

For section 59, the following shall be substituted, namely :—

59. “*Disputes as to constitution of University authority or body.*—Where any question arises as to—

(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or

(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University;

(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and

(b) it shall be referred to the State Government if—

(i) it relates to a matter specified in clause (2), or

(ii) if twenty members of the Senate so require irrespective of whether it relates to a matter specified in clause (1) or clause (2), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”

1	2	3
5. The Saurashtra University Act, 1965 (Guj. 39 of 1965).	For section 59, the following shall be substituted, namely :—	
	59. " <i>Disputes as to constitution of University authority or body.</i> —Where any question arises as to—	
	(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or	
	(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be a member of any authority or other body of the University,	
	(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and	
	(b) it shall be referred to the State Government if—	
	(i) it relates to a matter specified in clause (2), or	
	(ii) if twenty members of the Senate so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2), and	
	the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final."	
6. The Bhavnagar University Act, 1978 (Guj. 26 of 1978).	For section 67, the following shall be substituted, namely ;—	
	67. " <i>Disputes as to constitution of University authority or body.</i> —Where any question arises as to—	
	(1) the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or	
	(2) whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be a member of any authority or other body of the University.	
	(a) it may be referred to the State Government if it relates to a matter specified in clause (1), and	
	(b) it shall be referred to the State Government if—	

1	2	3
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(i) it relates to a matter specified in clause (2), or

(ii) if twenty members of the Court so require, irrespective of whether it relates to a matter specified in clause (1) or clause (2) and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.”.

THE GUJARAT PANCHAYATS (AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st March, 1983 was published in the Gujarat Government Gazette, Part IV, No. 16, dated March, 31 1983,

GUJARAT ACT NO. 11 OF 1983

(First published after having received the assent of the Governor in the “Gujarat Government Gazette” on the 31st March, 1983).

An Act further to amend the Gujarat Panchayats Act, 1961.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Panchayats (Amendment) Act, 1983.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 169 of Guj. VI of 1962.*—In the Gujarat Panchayats Act, 1961 (Guj. VI of 1962.) (hereinafter referred to as “the principal Act”), in section 169, in sub-section (3), in clause (a), in the proviso, for the words “one hundred paise” the words “two hundred paise” shall be substituted.

3. *Amendment of section 186 of Guj. VI of 1962.*—In the principal Act, in section 186, in sub-section (1), for the figures and word “10 percent” the figures and word “20 percent” shall be substituted.

4. *Amendment of Schedule III to Guj. VI of 1962.*—In the principal Act, in Schedule III, in Part I, in item 1 relating to the functions in the sphere of sanitation and health, for clause (b), the following clause shall be substituted, namely :—

“(b) provision and maintenance of drinking water supply.”.

**THE GUJARAT CONTINGENCY FUND (TEMPORARY INCREASE)
ORDINANCE, 1983**

The following Ordinance was published in the Gujarat Govt. Gazette, Extraordinary Part I, dated April 30, 1983.

GUJARAT ORDINANCE NO. 6 OF 1983.

An ordinance to provide for temporary increase in the Contingency Fund of the State of Gujarat.

Whereas the Legislative Assembly of the State of Gujarat is not in Session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to provide for temporary increase in the Contingency Fund of the State of Gujarat.

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Contingency Fund (Temporary Increase) Ordinance, 1983.

(2) It shall come into force at once.

2. *Temporary increase in Contingency Fund of State.*—Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act, 1960, the extent of the sum of twenty crores of rupees specified in section 2 of the said Act as the sum to be paid into the Contingency Fund of the State of Gujarat shall during the period beginning from the commencement of this Ordinance and ending on the 31st March, 1984 be raised to fifty crores of rupees.

STATEMENT

Section 2 of the Gujarat Contingency Fund Act, 1960 provides that out of the Consolidated Fund of the State, a sum of rupees twenty crores shall be paid into the Contingency Fund. Circumstances having arisen in which the balance in the Fund is insufficient for meeting the requirements of certain expenditure pending authorisation by the State Legislature it has become necessary to increase temporarily till the 31st March 1984, the aforesaid amount by a sum of thirty crores of rupees. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act.

Gandhinagar,

Dated the 30th April, 1983.

SHARDA MUKERJEE,
Governor of Gujarat.

**THE GUJARAT HIGHER SECONDARY SCHOOLS SERVICES
TRIBUNAL ACT, 1983**

The following Act of the Gujarat Legislature having been assented to by the President was published in the Gujarat Govt. Gazette, Part I, Extra Ordinary dated May 11, 1983.

GUJARAT ACT NO. 12 OF 1983

An Act to provide for the constitution of a Tribunal for the purpose of determining disputes relating to conditions of service of the members

of the teaching and non-teaching staff of higher secondary schools in the State of Gujarat, for procedure for imposition of penalty on any such member and for matters connected therewith.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

PART—I PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Gujarat Higher Secondary Schools Services Tribunal Act, 1983.

(2) It extends to the whole of the State of Gujarat.

(3) It shall be deemed to have come into force on the 20th January, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force ;

(b) “employee” means any member of the teaching and non-teaching staff of a higher secondary school (whether confirmed or temporary or on probation) in the service of such school and for the purpose of any proceeding under this Act in relation to a dispute referred to in section 8, includes any such member who has been dismissed or removed or whose services are otherwise terminated ;

(c) “headmaster” means the head of the teaching and non-teaching staff of a higher secondary school by whatever style designated ;

(d) “higher secondary education” means the education including post basic higher secondary education from eleventh standard upto twelfth standard ;

(e) “higher secondary school” means a school imparting higher secondary education and includes school imparting post basic higher secondary education ;

(f) “manager” in relation to any higher secondary school means a person or body of person in charge or control of the management of the higher secondary school ;

(g) “non-teaching staff” means such staff of a higher secondary school as is appointed to perform any duty or function other than that of teaching ;

(h) “notified order” means an order published in the Official Gazette ;

(i) “post basic higher education” means higher secondary education imparted through a productive craft ;

(j) “prescribed” means prescribed by rules made under section 17 ;

(k) “Tribunal” means the Higher Secondary Schools Services Tribunal constituted under section 3.

PART—II TRIBUNAL

3. *Constitution of Gujarat Higher Secondary Schools Services Tribunal.*—(1) For the purpose of this Act there shall be constituted by the State Government by a notified order a tribunal to be called the Gujarat Higher Secondary Schools Services Tribunal.

(2) The State Government shall appoint a District Judge or a person who has been or is qualified to be a judge of a High Court or a District Court to be the Tribunal.

Explanation.—In this section, the expression “District Judge” shall have the meaning assigned to that expression in article 236 of the Constitution.

4. *Term of office and conditions of service of person appointed to be Tribunal.*—The term for which the person constituting the Tribunal shall hold office and his conditions of service shall be such as may be prescribed.

5. *Power of State Government to terminate appointment before expiry of term.*—The State Government may terminate the appointment of a person to be the Tribunal before the expiry of the term of his office if such person—

- (i) is adjudged an insolvent, or
- (ii) engages during his term of office in any paid employment outside the duties of his office, or
- (iii) is, in the opinion of the State Government, unfit to continue in office by reason of mind or body, or
- (iv) is convicted of an offence involving moral turpitude.

6. *Headquarters of Tribunal.*—(1) The Headquarters of the Tribunal shall be at such place as the State Government may, by a notified order, determine.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may sit at such other place or places other than the place of its headquarters as the Tribunal may, with approval of the State Government, appoint.

7. *Jurisdiction of Tribunal.*—The Tribunal shall have the jurisdiction to entertain and decide disputes referred to in section 8, all suits and proceedings referred to in sub-section (2) of section 13 and appeals made under sub-section (6) of section 14.

(2) Where any order of dismissal, removal or reduction in rank or otherwise termination of service of an employee is decided by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that the employee shall be reinstated in service or, as the case may be, restored to the rank, which he held immediately before his dismissal, removal, reduction in rank or otherwise termination of service, by the manager of the higher secondary school and the manager of the higher secondary school shall forthwith comply with such direction.

(3) Notwithstanding anything contained in any other law for the time being in force, where the Tribunal has jurisdiction to entertain and decide a dispute as aforesaid, no other person, officer or authority shall have jurisdiction to entertain and decide such dispute and any such dispute pending before any person, officer or authority on the appointed day shall, as soon as may be, transferred to the Tribunal for its decision.

8. *Dispute to be decided by Tribunal.*—Where there is any dispute between the manager of a higher secondary school and an employee of

such school, which is connected with the conditions of service of such employee, the manager or, as the case may be, such employee may make an application to the Tribunal for the decision of the dispute.

9. *Power of Tribunal to make regulations*—The Tribunal may, with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure, including the award of costs by the Tribunal and the right of audience before the Tribunal and for the purpose of effective discharge of its functions and disposal of its business.

10. *Tribunal to have powers of court*.—(1) For the purpose of exercising its jurisdiction under this Act, the Tribunal shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 (V of 1908.), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) such other matters as may be prescribed.

(2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963 (36 of 1963).

11. *Proceedings before Tribunal to be judicial proceedings*.—All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

12. *Finality of decision of Tribunal*.—Every decision of the Tribunal shall be final and shall not be called in question before any civil court or any other authority.

13. *Bar of jurisdiction of civil court*.—(1) No civil court shall have the jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tribunal.

(2) All suits and proceedings between the manager and the employee relating to disputes connected with the conditions of service of such employee which are pending in any civil court on the appointed day shall be transferred to and continued before the Tribunal:

Provided that nothing in this sub-section shall apply to execution proceedings and appeals arising out of decrees or orders passed by any such court before the appointed day and such execution proceedings and appeals shall be decided and disposed of as if this Act had not been passed.

PART III

PROCEDURE FOR IMPOSITION OF PENALTY ON EMPLOYEES

14. *Dismissal removal or reduction in rank of higher secondary school employee*.—(1) No employee shall be dismissed or removed or reduced in rank nor shall his service be otherwise terminated by the manager except after,—

(a) an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges, and

(b) the action proposed against him is approved by the Director of Higher Education :

Provided that nothing in this sub-section shall apply to any employee who is appointed temporarily for a period less than a year.

(2) The Director of Higher Education shall communicate to the manager in writing his approval or disapproval of the action proposed, within a period of forty-five days from the date of the receipt by Director of Higher Education of such proposal.

(3) Where the Director of Higher Education fails to communicate either approval or disapproval within the period of forty-five days specified in sub-section (2), the proposed action shall be deemed to have been approved by the Director of Higher Education.

(4) No penalty (being the penalty other than that referred to in sub-section (1) shall be imposed on an employee unless such employee has been given a reasonable opportunity of being heard.

(5) Where an employee is suspended by the manager, pending any inquiry proposed to be held against him, the fact of such suspension together with the grounds therefor, shall be communicated by the manager to the Director of Higher Education within a period of seven days after such suspension and such suspension shall be subject to ratification by the Director of Higher Education within a period of forty-five days from the date of receipt of the communication in this behalf by the Director of Higher Education and if such ratification is not communicated to the manager by the Director of Higher Education within such period, the suspension of the employee shall cease to have effect on the expiry of such period :

Provided that the employee shall, during the period of suspension, be entitled to such subsistence allowance and on such terms and conditions as may be prescribed.

(6) Any person aggrieved by an order of the Director of Higher Education under clause (b) of sub-section (1) may make an appeal to the Tribunal within a period of thirty days from the date of the decision of the Director of Higher Education.

15. *Resignation of higher secondary schools employee.*—If an employee desires to submit his resignation he shall tender the same in person to the District Education Officer of the district in which the higher secondary school of which he is the employee is situate and a resignation by an employee shall not be accepted by the manager unless it is so tendered and forwarded to the manager by the District Education Officer duly endorsed. The acceptance of any resignation tendered in contravention of this section shall be ineffective.

PART—IV.

MISCELLANEOUS

16. *Certain contracts etc. to be null and void*—(a) Every contract between the manager and an employee whether made before or after the appointed day ; and

(b) any term or condition of service of the employee whether employed before or after the appointed day,

shall, to the extent that it takes away any right conferred on such employee by or under this Act or to the extent of any inconsistency with the provisions of this Act and the rules made thereunder, be null and void.

17. Power of Government to make rules—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act

(2) Without prejudice to the generality of the foregoing power, such rules, may be made for all or any of the following matters, namely :—

(a) the term for which a person constituting the Tribunal shall hold office and his conditions of service under section 4 ;

(b) the matters to be prescribed under clause (d) of sub-section (1) of section 10 ;

(c) subsistence allowance to which an employee shall be entitled during his suspension and the terms and conditions thereof under proviso to sub-section (5) of section 14 ;

(d) any other matter which is to be or may be prescribed by the rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

18. Savings—(1) Nothing contained in clause (b) of sub-section (2), (3), (5) and (6) of section 14 and section 15 shall apply to any educational institution established and administered by a minority whether based on religion or language

(2) Nothing in this Act shall apply to employees of a higher secondary school owned by Government.

19. Repeal and savings—(1) The Gujarat Higher Secondary Schools Services Tribunal Ordinance, 1983 (Guj. Ord. 2 of 1983), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

THE INDIAN FOREST (GUJARAT AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Gujarat Govt. Gazette, Part I, Extraordinary dated May 24th, 1983.

GUJARAT ORDINANCE NO. 7 OF 1983.

An ordinance to amend the Indian Forest Act, 1927, in its application to the State of Gujarat.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Indian Forest Act, 1927, in its application to the State of Gujarat;

And Whereas instructions of the President under the proviso to clause (1) of article 213 of the Constitution have been obtained ;

Now, Therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian Forest (Gujarat Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Act XVI of 1927 to be temporarily amended.*—During the period of operation of this Ordinance, the Indian Forest Act, 1927, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 11.

3. *Amendment of section 52 of Act XVI of 1927.*—In the principal Act, in section 52,—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle and inspection of all records relating to the forest produce and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle.”;

(2) in sub-section (2), for the words “make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made” the following shall be substituted, namely:—

“make a report of such seizure,—

(a) where the offence on account of which the seizure has been made is in respect of the forest produce which is the property of the State Government or in respect of which the State Government has any interest, to the concerned authorised officer under section 61A; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made”.

4. *Amendment of section 53 of Act XVI of 1927.*—In the principal Act, in section 53, for the words and figures “under section 52, may release” the words, figures and letter “under section 52, may, subject to section 61G release” shall be substituted.

5. *Deletion of section 54 of Act XVI of 1927.*—In the principal Act, section 54 shall be deleted

6. *Amendment of section 55 of Act XVI of 1927.*—In the principal Act, in section 55, in sub-section (1), for the words “shall be liable” the words, figures and letter “shall subject to section 61G, be liable” shall be substituted.

7. *Amendment of section 56 of Act XVI of 1927.*—In the principal Act, in section 56, for the words “in any other case may be disposed” the words, figures and letter “in any other case may, subject to section 61G, be disposed” shall be substituted.

8. *Amendment of section 57 of Act XVI of 1927.*—In the principal Act, in section 57, for the words “that an offence has been committed” the words, figures and letter “that an offence has been committed, subject to section 61G” shall be substituted.

9. *Amendment of section 58 of Act XVI of 1927.*—In the principal Act, in section 58,—

(1) for the words “The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of” the words and figures “The Forest Officer who made the seizure under section 62 may, notwithstanding anything contained in this Act or any other law, shall be substituted;

(2) the following shall be added at the end, namely :
“and shall report about every such sale to his official superior”.

10. *Insertion of new sections 61A, 61B, 61C, 61D, 61E, 61F and 61G in Act XVI of 1927.*—In the principal Act, after section 61, the following sections shall be inserted, namely :—

“61A. *Confiscation by Forest Officers in certain cases*—

(1) Notwithstanding anything contained in the fore-going provisions of this Chapter or in any other law for the time being in force, where a forest offence is believed to have been committed in respect of any forest produce which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the *Official Gazette*, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as “the authorised officer”).

(2) Where the authorised officer seizes under sub-section (1) of section 52 any forest produce which is the property of the State Government or where any such property is produced before the authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence

(3) (a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall, where the order of confiscation made under section 61A is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61B. Issue of show cause notice before confiscation under section 61A.—(1) No order confiscating any forest produce or tools, ropes chains, boats, vehicles or cattle shall be made under section 61A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections, if any ;

Provided that no order confiscating a motor vehicle shall be made except, after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying forest produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

61C. Revision.—Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 61A, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and pass such orders as he deems fit :

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

61D. Appeal.—(1) Any person aggrieved by any order passed under section 61A or section 61C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any court of law.

61E. Award of confiscation not to interfere with other punishment.—The award of any confiscation under section 61A or 61C or 61D shall not prevent the infliction of any punishment which the person affected thereby is liable under this Act.

61F. Property confiscated when to vest in Government.—When an order for confiscation of any property has been passed under section 61A or 61C or 61D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof or if it has been sold under sub-section (3) of section 61A the sale proceeds thereof as the case may be, shall vest in the State Government free from all encumbrances.

61G. Bar of jurisdiction in certain cases.—Wherever any forest produce belonging to the State Government or any tool, rope, chain, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 52 the authorised officer under section 61A or the officer specifically empowered under section 61C or the Sessions Judge hearing an appeal under section 61D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974.) or in any other law for the time being in force, any other officer, court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession delivery, disposal or distribution of such property."

11. Amendment of section 68 of Act XVI of 1927.—In the principal Act, in section 68, in sub-section (1), in clause (b), after the words "as liable to confiscation" the words, figures and letter "subject to section 61G" shall be inserted.

STATEMENT

Under the existing provisions of the Indian Forest Act, 1927, in its application to the State of Gujarat, a Forest Officer or a Police Officer does not have the power to stop a vehicle used for the transport of forest produce in respect of which a forest offence is committed and inspect the same. It is, therefore, considered necessary to confer such power on a Forest Officer and Police Officer.

Under the existing provisions of the said Act, an order for confiscation of forest produce could be made only by the Magistrate if the offender is convicted of a forest offence. Consequently, it is not possible to confiscate forest produce which is the property of the Government in the cases where the offender is not convicted for one reason or other although he might have committed the forest offence with the result that the Government has to suffer loss of forest produce which is its property. It is, therefore, considered necessary to take power to an officer of the Government to confiscate forest produce which is the property of the Government and in respect of which the officer believes that a forest offence has been committed.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,

Dated the 23rd May, 1983.

SHARDA MUKERJEE,

Governor of Gujarat.

THE GUJARAT HIGHER SECONDARY SCHOOLS SERVICES TRIBUNAL ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the President on the 8th May 1983 was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated 11th May, 1983.

GUJARAT ACT NO. 12 OF 1983.

An Act to provide for the constitution of a Tribunal for the purpose of determining disputes relating to conditions of service of the members of the teaching and non teaching staff of higher secondary schools in the State of Gujarat, for imposition of penalty on any such member and for matters connected therewith.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:—

PART-I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Gujarat Higher Secondary Schools Services Tribunal Act, 1983

(2) It extends to the whole of the State of Gujarat.

(3) It shall be deemed to have come into force on the 20th January, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force;

(b) “employee” means any member of the teaching and non-teaching staff of a higher secondary school (whether confirmed or temporary or on probation) in the service of such school and for the purpose of any proceeding under this Act in relation to a dispute referred to in section 8, includes any such member who has been dismissed or removed or whose services are otherwise terminated;

(c) “headmaster” means the head of the teaching and non-teaching staff of a higher secondary school by whatever style designated;

(d) “higher secondary education” means the education including post basic higher secondary education from eleventh standard upto twelfth standard;

(e) “higher secondary school” means a school imparting higher secondary education and includes school imparting post basic higher secondary education;

(f) “manager” in relation to any higher secondary school means a person or body of persons in charge or control of the management of the higher secondary school;

(g) “non-teaching staff” means such staff of a higher secondary school as is appointed to perform any duty or function other than that of teaching;

(h) “notified order” means an order published in the Official Gazette;

(i) “post basic higher education” means higher secondary education imparted through a productive craft;

(j) “prescribed” means prescribed by rules made under section 17;

(k) “Tribunal” means the Higher Secondary Schools Services Tribunal constituted under section 3.

PART-II

TRIBUNAL

3. *Constitution of Gujarat Higher Secondary Schools Service Tribunal.*—(1) For the purpose of this Act there shall be constituted

by the State Government by a notified order a tribunal to be called the Gujarat Higher Secondary Schools Services Tribunal.

(2) The State Government shall appoint a District Judge or a person who has been or is qualified to be a judge of a High Court or a District Court to be the Tribunal.

Explanation.—In this section, the expression “District Judge” shall have the meaning assigned to that expression in article 236 of the Constitution.

4. *Term of office and conditions of service of person appointed to be Tribunal.*—The term for which the person constituting the Tribunal shall hold office and his condition of service shall be such as may be prescribed.

5. *Power of State Government to terminate appointment before Expiry of term.* The State Government may terminate the appointment of a person to be the Tribunal before the expiry of the term of his office if such person—

- (i) is adjudged an insolvent, or
- (ii) engages during his term of office in any paid employment outside the duties of his office, or
- (iii) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or
- (iv) is convicted of an offence involving moral turpitude.

6. *Headquarters of Tribunal.*—(1) The Headquarters of the Tribunal shall be at such place as the State Government may, by a notified order, determine.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may sit at such other place or places other than the place of its headquarters as the Tribunal may, with the approval of the State Government, appoint.

7. *Jurisdiction of Tribunal.*—(1) The Tribunal shall have the jurisdiction to entertain and decide disputes referred to in section 8, all suits and proceedings referred to in sub-section (2) of section 13 and appeals made under sub-section (6) of section 14.

(2) Where any order of dismissal, removal or reduction in rank or otherwise termination of service of an employee is decided by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that the employee shall be reinstated in service or, as the case may be, restored to the rank, which he held immediately before his dismissal, removal, reduction in rank or otherwise termination of service, by the manager of the higher secondary school and the manager of the higher secondary school shall forthwith comply with such direction.

(3) Notwithstanding anything contained in any other law for the time being in force, where the Tribunal has jurisdiction to entertain and decide a dispute as aforesaid, no other person, officer or authority shall have jurisdiction to entertain and decide such dispute and any such dispute pending before any person, officer or authority on the appointed day shall, as soon as may be, transferred to the Tribunal for its decision.

8. *Dispute to be decided by Tribunal.*—Where there is any dispute between the manager of a higher secondary school and an employee of such school, which is connected with the conditions of service of such employee, the manager or, as the case may be, such employee may make an application to the Tribunal for the decision of the dispute.

9. *Power of Tribunal to make regulations.*—The Tribunal may, with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure, including the award of costs by the Tribunal and the right of audience before the Tribunal and for the purpose of effective discharge of its functions and disposal of its business.

10. *Tribunal to have power of court.*—(1) For the purpose of exercising its jurisdiction under this Act, the Tribunal shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of documents;
- (c) issuing commissions for the examination of witnesses;
- (d) such other matters as may be prescribed.

(2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963 (86 of 1963).

11. *Proceedings before Tribunal to be judicial proceedings.*—All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

12. *Finality of decision of Tribunal.*—Every decision of the Tribunal shall be final and shall not be called in question before any civil court or any other authority.

13. *Bar of jurisdiction of Civil Court.*—(1) No civil court shall have the jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tribunal.

(2) All suits and proceedings between the manager and the employee relating to disputes connected with the conditions of service of such employee which are pending in any civil court on the appointed day shall be transferred to and continued before the Tribunal :

Provided that nothing in this sub-section shall apply to execution proceedings and appeals arising out of decrees or orders passed by any such court before the appointed day and such execution proceedings and appeals shall be decided and disposed of as if this Act had not been passed.

PART III

PROCEDURE FOR IMPOSITION OF PENALTY ON EMPLOYEES

14. *Dismissal, removal or reduction in rank of Higher secondary school employee.*—(1) No employee shall be dismissed or removed or

reduced in rank nor shall his service be otherwise terminated by the manager except after,—

(a) an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges, and

(b) the action proposed against him is approved by the Director of Higher Education :

Provided that nothing in this sub-section shall apply to any employee who is appointed temporarily for a period less than a year.

(2) The Director of Higher Education shall communicate to the manager in writing his approval or disapproval of the action proposed, within a period of forty-five days from the date of the receipt by the Director of Higher Education of such proposal.

(3) Where the Director of Higher Education fails to communicate either approval or disapproval within the period of forty-five days specified in sub-section (2), the proposed action shall be deemed to have been approved by the Director of Higher Education.

(4) No penalty (being the penalty other than that referred to in sub-section (1)) shall be imposed on an employee unless such employee has been given a reasonable opportunity of being heard.

(5) Where an employee is suspended by the manager, pending any inquiry proposed to be held against him, the fact of such suspension together with the grounds therefor, shall be communicated by the manager to the Director of Higher Education within a period of seven days after such suspension and such suspension shall be subject to ratification by the Director of Higher Education within a period of forty-five days from the date of receipt of the communication in this behalf by the Director of Higher Education and if such ratification is not communicated to the manager by the Director of Higher Education within such period, the suspension of the employee shall cease to have effect on the expiry of such period :

Provided that the employee shall, during the period of suspension, be entitled to such subsistence allowance and on such terms and conditions as may be prescribed.

(6) Any person aggrieved by an order of the Director of Higher Education under clause (b) of sub-section (1) may make an appeal to the Tribunal within a period of thirty days from the decision of the Director of Higher Education.

15 *Resignation of higher secondary schools employee.*—If an employee desires to submit his resignation he shall tender the same in person to the District Education Officer of the district in which the higher secondary school of which he is the employee is situate and a resignation by an employee shall not be accepted by the manager unless it is so tendered and forwarded to the manager by District Education Officer duly endorsed. The acceptance of any resignation tendered in contravention of this section shall be ineffective.

PART—IV.

MISCELLANEOUS

16. *Certain contracts etc. to be null and void.*—(a) Every contract between the manager and an employee whether made before or after the appointed day ; and

(b) any term or condition of service of the employee whether employed before or after the appointed day, shall, to the extent that it takes away any right conferred on such employee by or under this Act or to the extent of any inconsistency with the provisions of this Act and the rules made thereunder, be null and void.

17. *Power of Government to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules, may be made for all or any of the following matters, namely :—

(a) the term for which a person constituting the Tribunal shall hold office and his conditions of service under section 4 ;

(b) the matters to be prescribed under clause (d) of sub-section (1) of section 10 ;

(c) subsistence allowance to which an employee shall be entitled during his suspension and the terms and conditions thereof under proviso to sub-section (5) of section 14 ;

(d) any other matter which is to be or may be prescribed by the rules.

The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

18. *Savings.*—(1) Nothing contained in clause (b) of sub-section (1) and sub-sections (2), (3), (5) and (6) of section 14 and section 15 shall apply to any educational institution established and administered by a minority whether based on religion or language.

(2) Nothing in this Act shall apply to employees of a higher secondary school owned by Government.

19. *Repeal and savings.*—(1) The Gujarat Higher Secondary Schools Services Tribunal Ordinance, 1983 (Guj. Ord. 2 of 1983,) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

THE BOMBAY ESSENTIAL COMMODITIES AND CATTLE (CONTROL) (GUJARAT AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated June 17, 1983.

GUJARAT ORDINANCE NO 8 OF 1983

An Ordinance further to amend the Bombay Essential Commodities and Cattle (Control) Act, 1958.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Bombay Essential Commodities and Cattle (Control) Act, 1958 for the purposes hereinafter appearing ;

And Whereas instructions of the President under the proviso to clause (1) of article 213 of the Constitution have been obtained ;

Now, therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Bombay Essential Commodities and Cattle (Control), (Gujarat Amendment) Ordinance, 1983**

(2) It shall come into force at once.

2. *Bom. LXII of 1958 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Essential Commodities and Cattle (Control) Act, 1958, (Bom. LXII of 1958.) (hereinafter referred to as “the principal Act”) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 4 of Bom LXII of 1958.*—In the principal Act, in section 4, in sub-section (1), for clause (b), the following clause shall be substituted, namely :—

“(b) for regulating or prohibiting movement, supply and distribution of, or trade and commerce in, or for regulating the maintenance of, cattle.”.

STATEMENT

It has come to the notice of the Government, that a large number of cattle are exported to other States on the basis of the permit issued under the Gujarat Cattle (Export) Control Order, 1961, and that some of these cattle which are milch cattle are slaughtered in other States on their becoming dry. Similarly, a large number of draught animals which are not allowed to be slaughtered in this State are clandestinely taken out to other States for slaughter. Thus there is a severe drain of milch cattle and draught animals from this State. In order to prevent the aforesaid drain it is necessary to prohibit export of certain cattle. The Bombay Essential Commodities and Cattle (Control) Act, 1958 does not empower the Government to impose total prohibition of export, either by rail or road. Hence it is considered necessary to amend the said Act.

As the Gujarat Legislative Assembly is not in session this Ordinance is promulgated to achieve the aforesaid object.

Gandhinagar,
Dated the 15th June, 1983.

SHARDA MUKERJEE,
Governor of Gujarat.

**THE GUJARAT CO-OPERATIVE SOCIETIES (AMENDMENT)
ORDINANCE, 1983**

Published in the Gujarat Govt. Gazette, Extraordinary, Part IV,
dated July 16, 1983

GUJARAT ORDINANCE NO. 9 1983

An Ordinance further to amend the Gujarat Co-operative Societies Act, 1961.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to amend the Gujarat Co-operative Societies Act, 1961 ;

Now therefore, in exercise of the powers conferred on her by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Co-operative Societies (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Guj X of 1962 to be temporarily amended* — During the period of operation of this Ordinance, the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 74C of Guj X of 1962* —In the principal Act, in section 74C, in sub-section (3), after the existing proviso, the following proviso shall be and shall be deemed to have been added with effect from 7th January, 1981, namely:—

“Provided further that it shall be lawful for any body or authority to nominate its representative on a committee of such society where the bye-laws of such society so provides ”

4. *Amendment of section 8 of Guj. X of 1962.*—In the principal Act, in section 80, in sub-section (1), for the words and brackets “the State Government shall have the right to nominate (not more than three) representatives on the committee of such society” the word “the State Government shall, notwithstanding anything contained in the bye-laws of such society, have the right to nominate three representatives on the committee of such society” shall be substituted.

STATEMENT

It is found that bye-laws of several societies provide for nomination of representatives of bodies or authorities on the committees of management on account of facilities provided to societies by bodies or authorities. Consequently the committees of management of such societies consist of members so nominated. However sub-section (1) of section 74C of the Gujarat Co-operative Societies Act, 1961 requires the Committee of management to be elected by a general body of members of the Society. It is therefore considered necessary to amend retrospectively the said sub-section (3) so as to permit nomination of members on the committee of management by a body or authority.

Sub-section (1) of section 80 of the said Act confers right on the State Government to nominate not more than three representatives on the committee of society in which an interest is created in favour of the State Government in the manner specified therein. In view of the expression "not more than three representatives" a doubt is raised as to the right of the State Government to nominate, under the said sub-section (1), representatives greater than the number mentioned in the bye-laws. In order to remove such doubt it is considered necessary to amend the said sub-section (1), so as to confer right on the State Government to nominate three representatives on the committee of a society.

As the Gujarat Legislative Assembly is not in session this Ordinance is promulgated to amend the said Act to carry out the aforesaid intention.

Gandhinagar,
Dated the 15th July, 1983.

SHARDA MUKERJEE,
Governor of Gujarat

THE GUJARAT CONTINGENCY FUND (SECOND TEMPORARY INCREASE) ORDINANCE, 1983.

Published in the Gujarat Govt Gazette, Extraordinary, Part IV,
dated July 26, 1983.

GUJARAT ORDINANCE NO. 10 OF 1983

An ordinance to provide for temporary increase in the Contingency Fund of the State of Gujarat.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for her to take immediate action to provide for temporary increase in the Contingency Fund of the State of Gujarat ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Contingency Fund (Second Temporary Increase) Ordinance, 1983.

(2) It shall come into force at once.

2. *Temporary increase in Contingency Fund of State.*—Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act 1960, (Guj. IV of 1960.), extent of the sum of twenty crores of rupees specified in section 2 of the said Act as the sum to be paid into the Contingency Fund of the State of Gujarat shall during the period beginning from the commencement of this Ordinance and ending on the 31st March, 1984, be raised to eighty-five crores of rupees.

3. *Repeal of Guj Ord. 6 of 1983* —The Gujarat Contingency Fund (Temporary Increase) Ordinance, 1983 (Guj Ordinance 6 of 1983) is hereby repealed.

STATEMENT

Section 2 of the Gujarat Contingency Fund Act, 1960 provides that out of the Consolidated Fund of the State, a sum of twenty crores of

rupees shall be paid into the Contingency Fund. Circumstances having arisen in which the balance in the Fund was insufficient for meeting the requirements of certain expenditure pending authorisation by the State Legislature it had become necessary to increase temporarily till the 31st March, 1984, the aforesaid amount by a sum of thirty crores of rupees and for that purpose the Gujarat Contingency Fund (Temporary Increase) Ordinance 1983 (Guj. Ord. 6 of 1983) was promulgated. On account of recent rains, floods and cyclones on an unprecedented scale in the Saurashtra area of the State, even the increased amount of fifty crores of the rupees in the fund is insufficient for meeting the requirements of the expenditure for relief and rehabilitation in the said area pending authorisation by the State Legislature. It has therefore again become necessary to increase temporarily till the 31st March, 1984 the aforesaid amount by a sum of thirty-five crores of rupees. As the Gujarat Legislative Assembly is not in session this Ordinance is promulgated to amend the said Act.

Gandhinagar,
Dated the 26th July, 1983

SHARDA MUKERJEE,
Governor of Gujarat.

THE GUJARAT MUNICIPALITIES (SECOND AMENDMENT)
ORDINANCE 1983

Published in the Gujarat Government Gazette Extraordinary Part IV,
dated August 18, 1983.

GUJARAT ORDINANCE NO 11 OF 1983

An Ordinance further to amend the Gujarat Municipalities Act, 1983.

Whereas the Legislative Assembly of the State of Gujarat is not in session;

and Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Municipalities Act, 1963;

Now, Therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:

1. *Short title and commencement* —(1) This Ordinance may be called the Gujarat Municipalities (Second Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Guj. 34 of 1964 to be temporarily amended*.—During the period of operation of this Ordinance, the Gujarat Municipalities Act 1963" (Guj 34 of 1964), (hereinafter referred to as "the principal Act"), shall have effect subject to the amendment specified in section 3

3. *Amendment of section 263A of Guj. 34 of 1964* —In the principal Act, in section 263A, in sub-section (2), in the proviso, for the words "one year" the words "two years" shall be substituted.

STATEMENT

As it was not possible to hold elections within reasonable period

for the reconstitution of certain municipalities in the State in accordance with the relevant figures of the census taken by the Central Government in the year 1981 under the Census Act, 1948, the State Government made declarations to that effect and thereafter appointed officers of the State Government to exercise the powers and perform the duties of those municipalities. In respect of some of the municipalities although the aforesaid declaration is about to expire in short time and steps have been taken to hold election, it is not possible to hold the elections and constitute the municipalities before the expiry of the said period. It is, therefore, considered necessary to take power to the State Government to extend the period of declaration to a maximum period of two years.

As the Gujarat Legislative Assembly is not in session this Ordinance is promulgated to amend the Gujarat Municipalities Act for the aforesaid purpose.

Gandhinagar,
Dated the 15th August, 1983.

K. M. CHANDY,
Governor of Gujarat.

THE GUJARAT CONTINGENCY FUND (TEMPORARY INCREASE) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on the 16th September, 1983 was published in the Gujarat Govt. Gazette, Extra ordinary Part IV, dated September 17, 1983.

GUJARAT ACT NO. 13 OF 1983

(First published after having received the assent of the Governor in the Gujarat Government Gazette" on the 17th September, 1983)

An Act to provide for temporary increase in the Contingency Fund of the State of Gujarat

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Contingency Fund (Temporary Increase) Act, 1983.

(2) It shall be deemed to have come into force on the 26th July, 1983.

2. *Temporary increase in Contingency Fund of State.*—Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act, 1960, (Guj IV of 1960) the extent of the sum of twenty crores of rupees specified in section 2 of the said Act as the sum to be paid into the Contingency Fund of the State of Gujarat shall during the period beginning from the commencement of the Gujarat Contingency Fund (Second Temporary Increase) Ordinance, 1983 and ending on the 31st March, 1984 be raised to eighty-five crores of rupees.

3. *Repeal and savings.*—The Gujarat Contingency Fund (Second Temporary Increase) Ordinance, 1983 (Guj. Ord. 10 of 1983) is hereby repealed.

**THE GUJARAT CONTINGENCY FUND (TEMPORARY
INCREASE) Act, 1983**

The following Act of the Gujarat Legislature, having been assented to by the Governor on 16th September, 1983, was published in the Gujarat Government Gazette, Extra ordinary, Part IV, dated September 23, 1983.

GUJARAT ACT NO. 13 OF 1983

An Act to provide for temporary increase in the Contingency Fund of the State of Gujarat.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Contingency Fund (Temporary Increase) Act, 1983.

(2) It shall be deemed to have come into force on the 26th July, 1983.

2. *Temporary increase in Contingency Fund of State.*—Notwithstanding anything contained in section 2 of the Gujarat Contingency Fund Act, 1960 (Guj. IV of 1960) the extent of the sum of twenty crores of rupees specified in section 2 of the said Act as the sum to be paid into the Contingency Fund of the State of Gujarat shall during the period beginning from the commencement of the Gujarat Contingency Fund (Second Temporary Increase) Ordinance, 1983 and ending on the 31st March, 1984 be raised to eighty-five crores of rupees.

3. *Repeal and saving.*—The Gujarat Contingency Fund (Second Temporary Increase) Ordinance, 1983 (Guj Ord. 10 of 1983) is hereby repealed.

**THE GUJARAT CO-OPERATIVE SOCIETIES
(AMENDMENT) Act, 1983**

The following Act of the Gujarat Legislature having been assented to by the Governor on 22nd September, 1983, was published in the Gujarat Govt. Gazette, Extra ordinary, Part IV dated September 23, 1983.

GUJARAT ACT NO. 14 OF 1983

An Act further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 16th July, 1983.

2. *Amendment of section 74C of Guj X of 1962.*—In the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) (hereinafter referred to as "the Principal Act"), in section 74C, in sub-section (3), after the existing proviso, the following proviso shall be and shall be deemed to have been added with effect from 7th January, 1981, namely :—

"Provided further that it shall be lawful for any body or authority

to nominate its representative on a committee of such society where the bye-laws of such society so provide”

3. *Amendment of section 80 of Guj X of 1952.*—In the principal Act, in section 80, in sub-section (1),—

(a) for the words and brackets, “the State Government shall have the right to nominate (not more than three) representatives on the committee of such society” the words “the State Government shall, notwithstanding anything contained in the bye-laws of such society, have the right to nominate three representatives on the Committee of such society” shall be substituted

(b) the following Explanation shall be inserted, namely :—

“Explanation.—Any nomination of the Registrar or his nominee on the Committee of a society under the bye-laws of such society shall not be construed as nomination of the representative on that Committee in exercise of the right of the State Government under this sub-section.”

4. *Repeal and savings.*—(1) The Gujarat Co-operative Societies (Amendment) Ordinance, 1983 (Guj. Ord. 9 of 1983) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the Governor on 26th September, 1983, was published in the Gujarat Govt. Gazette, Extra Ordinary Part IV dated September 29, 1983

GUJARAT ACT NO. 15 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty first day of March, 1984

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Gujarat (Second Supplementary) Appropriation Act, 1983.

2. *Issue of Rs. 63,77,76,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1983-84.*—From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of sixty three crores, seventy seven lakhs and seventy six thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1984 in respect of the services and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

(Schedule omitted)

**THE GUJARAT MUNICIPALITIES (SECOND AMENDMENT)
ACT, 1983**

The following Act of the Gujarat Legislature having been assented to by the Governor on 3rd October, 1983 was published in the Gujarat Govt. Gazette, Extra ordinary Part IV, dated October 6, 1983.

GUJARAT ACT NO 16 OF 1983

An Act further to amend the Gujarat Municipalities Act, 1963

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called the Gujarat Municipalities (Second Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 16th August, 1983.

2. *Amendment of section 263 A of Guj. 34 of 1964.*—In the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) (hereinafter referred to as “the principal Act”), in section 263A, in sub-section (2), in the proviso for the words “one year” the words “two years” shall be substituted.

3. *Repeal and Savings.*—(1) The Gujarat Municipalities (Second Amendment) Ordinance, 1983, (Guj. Ord II of 1983), is hereby repealed

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

**THE BOMBAY ESSENTIAL COMMODITIES AND CATTLE
(CONTROL) (GUJARAT AMENDMENT) ACT, 1983**

The following Act of the Gujarat Legislature having been assented to by the Governor on 4th October, 1983, was published in the Gujarat Govt. Gazette, Extraordinary, Part IV, dated October 6, 1983.

GUJARAT ACT NO. 18 OF 1983

An Act further to amend the Bombay Essential Commodities and Cattle (Control) Act, 1958.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement* — 1) This Act may be called the Bombay Essential Commodities and Cattle (Control) (Gujarat Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 17th June, 1983.

2. *Amendment of section 4 of Bom. LXII of 1958.*—In the Bombay Essential Commodities and Cattle (Control) Act, 1958 (Bom. LXII of 1958) (hereinafter referred to as “the principal Act”), in section (1), for clause (b), the following clause shall be submitted, namely :—

“(b) for regulating or prohibiting movement, supply and distribution of, or trade and commerce in, or for regulating the maintenance of, cattle.”

3. *Repeal and savings.*—(1) The Bombay Essential Commodities and Cattle (Control) (Gujarat Amendment) Ordinance, 1983 (Guj. Ord. No. 8 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE INDIAN FOREST (GUJARAT AMENDMENT) ACT, 1983

The following Act of the Gujarat Legislature having been assented to by the President on 12th October, 1983, was published in the Gujarat Govt. Gazette, Extraordinary, Part IV dated October 14, 1983.

GUJARAT ACT NO. 19 OF 1983

An Act to amend the Indian Forest Act, 1927, in its application to the State of Gujarat.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called the Indian Forest (Gujarat Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 24th May, 1983.

2. *Amendment of section 52 of Act XVI of 1927.*—In the Indian Forest Act, 1927 (XVI of 1927) in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 52.—

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle and inspection of all records relating to the forest produce and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle.”;

(2) in sub section (2), for the words "make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made" the following shall be substituted, namely :—

"make a report of such seizure,—

(a) where the offence on account of which the seizure has been made is in respect of the forest produce which is the property of the State Government or in respect of which the State Government has any interest, to the concerned authorised officer under section 61A ; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made."

3. *Amendment of section 53 of Act XVI of 1927*.—In the principal Act, in section 53, for the words and figures "under section 52, may release" the words, figures and letter "under section 52, may, subject to section 61G release" shall be substituted.

4. *Deletion of section 54 of Act XVI of 1927*.—In the principal Act, section 54 shall be deleted.

5. *Amendment of section 55 of Act XVI of 1927*.—In the principal Act, in section 55, in sub-section (1), for the words "shall be liable" the words, figures and letter "shall, subject to section 61G, be liable" shall be substituted.

6. *Amendment of section 56 of Act XVI of 1927*.—In the principal Act, in section 56, for the words "in any other case may be disposed" the words, figures and letter "in any other case may, subject to section 61G, be disposed" shall be substituted.

7. *Amendment of section 57 of Act XVI of 1927*.—In the principal Act, in section 57, for the words "that an offence has been committed" the words, figures and letter "that an offence has been committed, subject to section 61G," shall be substituted.

8. *Amendment of section 58 of Act XVI of 1927*.—In the principal Act, in section 58.—

(1) for the words "The Magistrate may, notwithstanding anything herein before contained, direct the sale of" the words and figures "The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell" shall be substituted ;

(2) the following shall be added at the end, namely :—

"and shall report about every such sale to his official superior".

9. *Insertion of new sections 61A, 61B, 61C, 61D, 61E, 61F, and 61G in Act XVI of 1927*.—In the principal Act, after section 61, the following sections shall be inserted, namely :—

"61A. *Confiscation by Forest Officers in certain cases*.—(1) Notwithstanding anything contained in the foregoing provisions of this Chapter or in any other law for the time being in force, where a forest offence is believed to have been committed in respect of any forest produce which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicle and cattle used in committing such offence,

before an officer authorised by the State Government in this behalf by notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as "the authorised officer").

(2) Where the authorised officer seizes under sub-section (1) of section 52 any forest produce which is the property of the State Government or where any such property is produced before the authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in commission such offence.

(3) (a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation made under section 61A is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61B. Issue of show cause notice before confiscation under section 61A.—(1) No order confiscating any forest produce or tools, ropes, chains, boats, vehicles or cattle shall be made under section 61A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections, if any :

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying forest produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

61C Revision.—Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 61A, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit :

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

61D. Appeal.—(1) Any person aggrieved by any order passed under section 61A or section 61C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any court of law.

61E Award of confiscation not to interfere with other punishment.—The award of any confiscation under section 61A or 61C or 61D shall not prevent the infliction of any punishment which the person affected thereby is liable under this Act.

61F Property confiscated when to vest in Government.—When an order for confiscation of any property has been passed under section 61A or 61C or 61D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof or if it has been sold under sub-section (3) of section 61A the sale proceeds thereof as the case may be, shall vest in the State Government free from all encumbrances.

61G. Bar of jurisdiction in certain cases.—Whenever any forest produce belonging to the State Government or any tool, rope, chain, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 52, the authorised officer under section 61A or the officer specially empowered under section 61C or the Sessions Judge hearing an appeal under section 61D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, any other officer, court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property."

10. Amendment of section 68. of Act XVI of 1927—In the principal Act, in section 68, in sub-section (1), in clause (b), after the words "as liable to confiscation" the words, figures and letter "subject to section 61G" shall be inserted.

11 Repeal and savings.—The Indian Forest (Gujarat Amendment) Ordinance, 1983 (Guj. Ord. No. 7 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

END

PART VI

MAHARASHTRA ACTS & ORDINANCES

1983

THE MAHARASHTRA (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 20th September 1982 was published in the Maharashtra Govt. Gazette, Extraordinary, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXIV OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the Service of the year ending on the thirty-first day of March 1983.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1983; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

I. *Short title.*—This Act may be called the Maharashtra (Second Supplementary) Appropriation Act, 1982.

(Text omitted)

THE BOMBAY MUNICIPAL CORPORATION (THIRD AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 1st October, 1982 was published in the Maharashtra Govt. Gazette, Extraordinary, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXV OF 1982

An Act further to amend the Bombay Municipal Corporation Act, Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, (Bom. III of 1888.) for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Municipal Corporation (Amendment) Ordinance, 1982, (Mah. Ord. V of 1982) on the 7th June 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Thirty-third year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Municipal Corporation (Third Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 7th June 1982.

2. *Amendment of section 5 of Bom. III of 1888.*—In section 5 of the Bombay Municipal Corporation Act (hereinafter referred to as "the principal Act"), (Bom. III of 1888.) in sub-section (1), for the words "the Corporation shall consist of not more than one hundred and forty Councillors" the following shall be substituted, namely :—

"and the Bombay Municipal Corporation (Third Amendment) Act, 1982 (Mah. XXV of 1982.) the Corporation shall consist of not more than one hundred and seventy Councillors."

3. *Amendment of section 19 of Bom. III of 1888.*—In section 19 of the principal Act, in sub-section (1) in clause (a),—

(a) for the figures "50,000" the figures "60,000" shall be substituted;

(b) for the figures "35,000" the figures "40,000" shall be substituted.

4. *Savings.*—Nothing contained in this Act shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee, the Bombay Electric Supply and Transport Committee, the Education Committee or any other Committee or Sub-Committee as constituted or appointed under the principal Act immediately before the commencement of this Act, and any casual vacancy in the office of a Councillor or a member of any of the said Committees or Sub-Committees before the 1st April 1983 shall, subject to the provisions of the principal Act, be filled as if this Act had not been enacted.

5. *Repeal of Mah. Ord. V of 1982 and saving.*—(1) The Bombay Municipal Corporation (Amendment) Ordinance, 1982 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or notice issued) under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the principal Act as amended by this Act.

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (AMENDMENT) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Maharashtra on the 14th August, 1982 was published in the Maharashtra Govt. Gazette, Extra ordinary, Part IV, dated 30th December, 1982.

MAHARASHTRA ORDINANCE NO. X OF 1982

An Ordinance further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas both Houses of the State Legislature are not in session;

And Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) for the purposes hereinafter appearing;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(Text omitted as the Ordinance is repealed by Maharashtra Act No. XXVI of 1982, printed next. Editor.)

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (THIRD AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 4th October, 1982 was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated December 30, 1982.

MAHARASHTRA ACT, NO. XXVI OF 1982

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas both Houses of the State Legislature were not session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, (Mah. V of 1962.) for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1982, (Mah. Ord. X of 1982.) on the 14th August 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Third-third year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Third-Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 14th August 1982.

2. *Amendment of section 255 of Mah. V of 1962.*—In section 255 of the Maharashtra Zilla Parishads and Panchayat Samitis 1961, (Mah. V of 1982.) (hereinafter referred to as 'the principal Act')

(a) in sub-section (2), clause (viii) shall be deleted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:

“(2-A) (a) When an order is made under this section, the State Government may, by general or special order, published in such manner as it deems fit, provide for the transfer or re-employment of any employees of an existing local authority to, or by, any such transferee or the termination of services of any employees of an existing local authority; and the terms and conditions applicable to such employees after such transfer or re-employment or termination.

(b) The State Government may, on an application for ~~re-employment~~, amend, or add to, or rescind, any order made in this behalf under this section or any part of such order, whether made before or after the commencement of the Maharashtra Zilla Parishads and Panchayat

Samitis (Third Amendment) Act, 1982 (Mah. XXVI 1982), if, in its opinion, it is necessary to do so on the ground that the order made is causing or is likely to cause undue hardship or greater hardship to any such employee or employees or on the overriding ground of administrative convenience.

(c) Where any order made in this behalf under this section is amended, added to or rescinded by the State Government at any time before the commencement of the said Act, the said amendment, addition or recession, as the case may be, shall, notwithstanding anything contained in this section, be deemed to have been validly made and shall not be called in question in any Court or before any other authority."

3. *Repeal of Mah. Ord. X of 1982 and saving* — The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1982 (Mah. Ord. X of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any order made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made, as the case may be, under the principal Act, as amended by this Act.

THE DISSOLUTION OF OSMANABAD AND PARBHANI ZILLA PARISHADS AND TEMPORARY POSTPONEMENT OF ELECTIONS AND MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIES (AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 4th October, 1982 was published in the Maharashtra Govt. Gazette, Extra ordinary, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXVII OF 1982

An Act further to amend the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 and further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas, under section 3 of the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980, (Mah. XIX of 1980.) the Osmanabad Zilla Parishad and the Parbhani Zilla Parishad stood dissolved on the 26th September 1980 and the general elections thereto stood postponed upto, and inclusive of, the 30th June 1982 or such earlier date as the State Government may, by notification in the Official Gazette, specify ;

And whereas by Government Notification, Rural Development Department, No. ZPE. 1080/CR-395/XXXVII, dated the 27th April 1981 read with Government Notification, Rural Development Department, No. ZPA. 1081/CR-417/XXXVII, dated the 29th June 1981. issued under clause (b) of sub-section 3 of the said Act, the Chief Executive Officers of the Osmanabad Zilla Parishad and the Parbhani Zilla Parishad had been appointed to exercise all powers and to perform all duties of their respective Zilla Parishad and the Panchayat Samitis, the Standing Committee, Subject Committees and other Committees

upto, and inclusive of, the 30th June 1982 or such earlier date as the State Government may, by notification in the Official Gazette, specify ;

And whereas it was expedient to make provisions for reservation of seats for the representation of the Scheduled Castes and Scheduled Tribes, in the two Districts, after considering the relevant figures of population as ascertained at the last preceding Census 1981 ;

And whereas on amount of alteration of the limits of the Parbhani District made by Government notification, Rural Development, No ZPA. 1081/284(2734) (II)-XII-A, dated the 30th April 1981 issued under sub-section (1) of section 254 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, (Mah. V of 1962.), the electoral divisions and electoral colleges in the Parbhani District might require changes on the basis of the 1981 Census figures ;

And whereas the village-wise 1981 Census population figures, whether provisional or final, were not available, and it was necessary further to postpone general elections to the two Zilla Parishads and their Panchayat Samitis upto, and inclusive of, the 30th June 1983 or such earlier date as the State Government may, by notification in the Official Gazette, specify ;

And whereas all by-elections to other Zilla Parishads and Panchayat Samitis in the State also stood postponed upto, and inclusive of, the 30th June 1982 or such earlier date as the State Government may, by notification in the Official Gazette, specify, and it was considered necessary to allow these by-elections to be held in due course thereafter ;

And whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980.), and further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962.), for the purposes hereinafter appearing ; and, therefore, promulgated the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary postponement of Elections and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1982, (Mah. Ord VI of 1982.) on the 18th June 1982 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-third year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 18th June 1982.

2. *Amendment of section 1 of Mah. XIX of 1980.*—In section 1 of the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary

Postponement of Elections Act, 1980, (Mah. XIX of 1980.) (hereinafter referred to as "the said Act"). in sub-section (3), for the words, figures and letters "the 30th June 1982" the words, figures and letters "the 30th June 1983" shall be substituted.

3. *Amendment of section 3 of Mah. XIX of 1980*—In section 3 of the said Act, in sub-section (2), in clause (b), for the words, figures and letters "the 30th June 1982" the words, figures and letters "the 30th June 1983" shall be substituted.

4. *Amendment of section 41 of Mah. V of 1962*.—In section 41 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), (hereinafter referred to as "the principal Act"), after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that after the 30th June 1982 arrangements shall be made by the Collectors and other Officers concerned to hold the by-elections to fill the vacancies referred to in the last preceding proviso as soon as conveniently may be, having regard to the monsoon season, after fixing suitable dates for all stages of such elections. Any steps for any such by-election, which was not completed before the 20th June 1981, shall be deemed to be cancelled."

5. *Amendment of section 63 of Mah. V of 1962*.—In section 63 of the principal Act, after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that after the 30th June 1982 arrangements shall be made by the Officers concerned to hold the by-elections to fill the vacancies referred to in the last preceding proviso, as soon as conveniently may be, having regard to the monsoon season, after fixing suitable dates for all stages of such by-elections. Any steps taken for any such by election, which was not completed before the 20th June, 1981, shall be deemed to be cancelled."

6. *Repeal of Mah. Ord. VI of 1982 and saving*.—(1) The Dis-solution of Osmanabad and Prabhani Zilla Parishads and Temporary Postponement of Elections and Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1982 (Mah. Ord. VI of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act or the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the said Act or the principal Act as amended by this Act.

THE MAHARASHTRA SALES TAX (SECOND AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 6th October, 1982 was published in the Maharashtra Govt. Gazette Extraordinary Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXVIII OF 1982

Whereas both Houses of the State Legislature were not in session; And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) for the purposes hereinafter appearing; and therefore, promulgated the Maharashtra Sales Tax (Amendment) Ordinance,

1982, (Mah. Ord. VII of 1982), on the 23rd June 1982 and the Maharashtra Sales Tax (Second Amendment) Ordinance, 1982 (Mah. Ord. VIII of 1982), on the 26th June 1982.

And whereas it is expedient to replace the said Ordinances by an Act of the State Legislature: It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Sales Tax (Second Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 1st day of July, 1982.

2. *Insertion of section 13AA in Bom. LI of 1959.*—After section 13A of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely :—

"13AA. *Purchase tax payable on goods in Schedule C, Part I, when manufactured goods are transferred to outside branches.*—Where a dealer, who is liable to pay tax under this Act, purchases any goods specified in Part I of Schedule C, directly or through Commission agent, from a person who is or is not a Registered dealer and uses such goods in the manufacture of taxable goods and despatches the goods, so manufactured, to his own place of business or to his agent's place of business situated outside the State within India, then such dealer shall be liable to pay, in addition to the sales tax paid or payable, or as the case may be, the purchase tax levied or leviable under the other provisions of this Act in respect of purchases of such goods, a purchase tax at the rate of two paise in the rupee on the purchase price of the goods so used in the manufacture, and accordingly the dealer shall include purchase price of such goods in his turnover of purchases in his return under section 32, which he is to furnish next thereafter."

3. *Amendment of section 14 of Bom. LI of 1959.*—In section 14 of the principal Act, in sub-section (1), in the first proviso, for the words "five paise" the words "six paise" shall be substituted.

4. *Amendment of Schedule C to Bom. LI of 1959.*—In Schedule C to principal Act in Part II :—

(a) in entry 9, after sub-entry (iii), the following sub-entry shall be added, namely :—

"(iv) Wall paper Twelve paise Twelve paise
in the rupee. in the rupee."

(b) after entry 46, the following entries shall be inserted, namely :—

"46A Heat resistant cook-ware and Do. Do.
serve-ware, that is, kitchenware coated
with heat-resistant coatings and used for
cooking as well as serving."

46B Non-stick cook-ware, that is, Do. Do.
utensils and other kitchenware made of
aluminium or other non-ferrous metals
and treated with stick-resistant coatings."

(c) in entry 52, in column 3 and 4, for the word "Do." the words "Fifteen paise in the rupee." shall be substituted;

(d) in entry 59, after the words "every description" the following shall be inserted, namely :—

"(other than those specified elsewhere in this Schedule)";

(e) after entry 59, the following entry shall be inserted, namely :—

"59A. All kinds of greeting cards, invitation cards, Do. Do."; humour post-cards and picture post-cards and cards for special occasions, visiting cards, photo albums, stamp albums, diaries and calendars.

(f) in entry 63, in sub-entry (a), in columns 3 and 4 for the word "Do." the words "Fifteen paise in the rupee." shall be substituted ;

(g) in entry 66,—

(i) for the words "and electrically operated gramophones" the brackets and words "(other than those specified in sub-entry (c) of entry 97) and" shall be substituted ;

(ii) in columns 3 and 4, for the words "Do." the words "Fifteen paise in the rupee." shall be substituted ;

(h) in entry 67, in sub-entry (a), in columns 3 and 4, for the word "Do." the words "Twelve paise in the rupee." shall be substituted ;

(i) after entry 69, the following entry shall be inserted, namely :—

"69A. All kinds of weighing machines, appliances, Do. Do."; instruments, scales, tubes and systems used for weighing, except ordinary weighing scales locally known as *TARAJU* or *TAGADI*.

(j) in entry 70,—

(A) the existing entry shall be renumbered as sub-entry (i) of that entry, and in sub-entry (i) so renumbered,—

(i) after the word "loudspeakers" the following shall be inserted, namely ;—

"(other than those specified in sub-entry (c) of entry 97)";

(ii) in columns 3 and 4, for the word "Do." the words "Fifteen paise in the rupee." shall be substituted ;

(B) after sub-entry (i) so renumbered, the following sub-entry shall be added, namely :—

"(ii) Radios and Transistors having Ten paise in Ten paise in Bands not exceeding two. the rupee. the rupee.";

(k) in entry 97, after sub-entry (b), the following sub-entry shall be added, namely :—

"(c) Stereo or Hi-Fi amplifiers, speakers and Do. Do." speakers systems housed in acoustically designed enclosures, which are ordinarily used with stereo or Hi-Fi musical systems or with wireless reception instruments and apparatuses, radio gramophones, gramophones, record players, record changers and other equipments specified in sub-entry (iii) of entry 93 of this Schedule.

5. *Repeal of Mah. Ord. VII and Mah. Ord. VIII of 1982 and saving.*—(1) The Maharashtra Sales Tax (Amendment) Ordinance, 1982 (Mah. Ord. VII of 1982) and the Maharashtra Sales Tax (Second Amendment) Ordinance, 1982 (Mah. Ord. VIII of 1982.) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any tax levied under the principal Act, as amended by the said Ordinances, shall be deemed to have been done, or taken or levied, as the case may be, under the said Act, as amended by this Act.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS
(EXTENSION AND AMENDMENT) ACT, 1982.**

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 14th October, 1982 was published in the Maharashtra Govt. Gazette, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXIX OF 1982

An Act to extend the Bombay Provincial Municipal Corporations Act, 1949, throughout the State of Maharashtra, and for that, and certain other purposes, further to amend the said Act.

Whereas both Houses of the State Legislature were not in session ;

And Whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to extend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX. of 1949.), throughout the State of Maharashtra, and for that, and certain other purposes hereinafter appearing, further to amend the said Act ; and, therefore, promulgated the Bombay Provincial Municipal Corporations (Extension and Amendment) Ordinance, 1982 (Mah. Ord. IX of 1982.), on the 4th August 1982 ;

And Whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement* —(1) This Act may be called the **Bombay Provincial Municipal Corporations (Extension and Amendment) Act, 1982.**

(2) It shall be deemed to have come into force on the 4th August 1982.

2. *Extension of Bom. LIX of 1949 to rest of State.*—The Bombay Provincial Municipal Corporations Act, 1949, (Bom. LIX of 1949.), as in force immediately before the commencement of this Act in the Bombay area of the State of Maharashtra, is hereby extended to the rest of the State of Maharashtra.

3. *Amendment of long title of Bom. LIX of 1949.*—In the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), as extended by this Act (hereinafter referred to as "the principal Act"), in the long title, for the words "the Province of Bombay" the words "the State of Maharashtra" shall be substituted.

4. *Amendment of preamble of Bom. LIX of 1949.*—In the preamble of the principal Act, after the words "certain other cities" the words "in the State of Maharashtra" shall be inserted.

5. *Amendment of section 1 of Bom. LIX of 1949.*—In section 1 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) It extends to the State of Maharashtra.”;

(b) in sub-section (3), for the portion beginning with the words “The remaining provisions” and ending with the words “expressly provided therein,” the following shall be substituted, namely :—

“The remaining provisions of this Act shall continue in operation in the City of Poona and other cities in which they have come into operation before the commencement of the Bombay Provincial Municipal Corporations (Extension and Amendment) Act, 1982 (Mah. XXIX of 1982), and the said provisions shall come into operation in such other Cities in the State of Maharashtra (other than Greater Bombay and the City of Nagpur as defined in the City of Nagpur Corporation Act, 1948) (C. P. and Berar II of 1950.), on such dates as the State Government may, by notification in the *Official Gazette*, specify in respect of each City. On the dates specified in the relevant notifications for coming into operation of the said provisions in the respective Cities, whether before or after the commencement of the aforesaid Act of 1982, the said provisions shall apply to places outside all such Cities in the manner, to the extent, and for the purposes expressly provided therein.”.

6. *Amendment of section 3 of Bom. LIX of 1949*—In section 3 of the principal Act, sub-section (3) shall be re-numbered as clause (a) of that sub-section, and after clause (a) as so re-numbered the following clause shall be added, namely :—

“(b) Where any area is included within the limits of the City under clause (a), any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted under this Act or any other law, which are for the time being in force in the City, shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise provided in section 129A or any other provision of this Act, apply to and be in force in the additional area also from the date that area is included in the City.”.

7. *Insertion of section 129A in Bom. LIX of 1949*.—After section 129 of the principal Act, the following section shall be inserted, namely :—

“129A. *Temporary provision for levying general tax at reduced rate in area of Zilla Parishad included in a City*.—Notwithstanding anything contained in section 129 or any other provisions of this Act, whenever—

(a) a new City is constituted under sub-section (2) of section 3 comprising wholly or partly, of an area of a Zilla Parishad ; or

(b) the limits of a City are altered under sub-section (3) of section 3 so as to include any area of a Zilla Parishad,

then the general tax shall be levied on buildings and lands in the former Zilla Parishad area during the periods specified in column (1) of the Table hereto appended at the amounts specified against them in column (2) thereof, and such amounts shall not be liable to be increased under sections 150 during the said periods :—

TABLE

Period 1	Amount of general tax 2
(1) Period from the date of inclusion of the area in the City upto and inclusive of the 31st March of the year following the year in which the area is included in the City.	The amount calculated at 20 per cent of the rate of general tax in force in the remaining area of the City (hereinafter in this table referred to as "per cent of the amount of tax payable in the City"), or the amount calculated at the rate for tax on lands and buildings payable in the area immediately before its inclusion in the City, under clause (i) of sub-section (1) of section 124 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), or clause (c) of section 157 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), as the case may be (hereinafter in this Table referred to as "the amount of tax payable in the Zilla Parishad area"), whichever is more.
(2) Period of one year following the period referred to in entry 1.	40 per cent of the amount of general tax payable in the City, or the amount of tax payable in the Zilla Parishad area, whichever is more.
(3) Period of one year following the period referred to in entry 2	60 per cent of the amount of general tax payable in the City, or the amount of tax payable in the Zilla Parishad area, whichever is more.
(4) Period of one year following the period referred to in entry 3.	80 per cent of the amount of general tax payable in the City, or the amount of tax payable in the Zilla Parishad area, whichever is more.
(5) Any period after the expiry of the period referred to in entry 4.	The same amount of the general tax as in force and payable in the remaining area of the City."

8. *Amendment of Appendix IV to Bom. LIX of 1949.*—In Appendix to the principal Act, under the heading "Part I : General",—

(i) for paragraph 1, the following paragraph shall be substituted, namely :—

"1. *Continuation of references in other enactments.*—References in any enactment, other than the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965.) the Maharashtra Zilla Parishads and Panchayat Act, 1961, (Mah. XL of 1965.), the Bombay Village Panchayats Act, 1958, (Bom. III of 1959.) or the Bombay Local Fund Audit Act, 1930, (Bom. XXV of 1930.) in force on the date immediately preceding the appointed day in a City or in any rule, order or notification made or issued thereunder and in force on such date in the said City, to any municipalities or other local authorities by whatever name called, shall, unless a

different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, and such enactment, rule, order or notification shall apply to the said City or Corporation.”;

(ii) in paragraph 5, for the words and figures “the Bombay District Municipal Act, 1901, (Bom. III of 1901), or the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925),”, at both places where they occur, the words and figures “the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965),” shall be substituted ;

(iii) after paragraph 5, the following paragraph shall be inserted, namely :—

“5-A. *Extension of appointments, taxes, etc., in force in one Municipal area to other areas included in a City*—Notwithstanding anything contained in this Act, where the State Government has constituted any local area to be a City under section 3, which was previously comprised, wholly or partly, in the area of two or more Municipal Councils constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965.), or in the area of one or more of such Municipal Councils and one or more Zilla Parishads constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962.), the State Government may, notwithstanding anything contained in any other law for the time being in force, but save as otherwise provided in section 129A or any other provisions of this Act, by notification in the Official Gazette, direct that all or any of the appointments, notifications notices taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted in any area of a specified municipal council included in the City under the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965.) or any other law and in force in that area immediately before the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force throughout the area of the City, until they are superseded or modified under this Act or under any other law as aforesaid, as the case may be.”.

9. *Repeal of Mah. Ord. IX of 1982 and saving.*—(1) The Bombay Provincial Municipal Corporations (Extension and Amendment) Ordinance, 1982 (Mah. Ord. IX of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA VACANT LANDS (FURTHER INTERIM PROTECTION TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS OF RENT) (SECOND EXTENSION OF DURATION) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Maharashtra on the 31st August, 1982 was published in the Maharashtra Govt. Gazette Part IV, dated December 30, 1982.

MAHARASHTRA ORDINANCE NO. XIV OF 1982

An Ordinance to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980.

Whereas both Houses of the State Legislature are not in session ;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980) ;

And whereas the instructions from the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Second Extension of Duration) Ordinance, 1982.

(2) It shall come into force at once.

2. *Amendment of section 1 of Mah XVI of 1980.*—In section 1 of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980), in sub-section (3), for the words, figures and letters "the 30th September 1982" the words, figures and letters "the 31st March 1983" shall be substituted.

STATEMENT

The validity of the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975 (Mah. LXVI of 1975) was challenged in the Bombay High Court and the High Court on the 8th February 1980 struck it down. The State Government has filed an appeal in the Supreme Court and the Supreme Court has on the 15th February 1980 granted an interim stay in respect of any action on the basis of the Judgement and Order of the High Court, as if the said Judgement and Order were not delivered. The appeal is still pending in the Supreme Court.

2. In the meanwhile, lakhs of occupiers of lands and structures covered by the definition of "vacant land" in the Act, situated in the Bombay Metropolitan Region and other urban areas were likely to be adversely affected, and till the final decision of the Supreme Court was available, they would have been without any protection from indiscriminate eviction and sudden and heavy claims of arrears of rent or compensation under other laws in force. In the circumstances, the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980) has been enacted; with effect from the 6th March 1980, which as originally enacted was to remain in force upto the 31st March 1981.

3. There has been some litigation on the question whether the stay order granted by the Supreme Court has the effect of reviving the Act. As the Supreme Court had not finally decided the appeal and the duration of Maharashtra Act XVI of 1980 was about to expire on the 31st March 1982, the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Extension of Duration) Act, 1982 (Mah. XVI of 1982) was enacted and the duration of the Act of 1980 now stands extended upto the 30th September 1982.

4. As the Supreme Court has not as yet finally decided the appeal; it is considered necessary to continue the interim protection given to the occupiers by the Act of 1980 by six months till the 31st March 1983 to enable Government to consider the situation and to take suitable measures, after the final decision of the Supreme Court is available.

5. As both Houses of the State Legislature are not in session and it is necessary to take immediate action to extend further the duration of the Act of 1980 in time, for the purposes aforesaid, this Ordinance is promulgated.

Dated the 30th August 1982.

IDRIS H. LATIF,
Governor of Maharashtra.

THE MAHARASHTRA VACANT LANDS (FURTHER INTERIM PROTECTION TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS OF RENT) (SECOND EXTENSION OF DURATION) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 14th October, 1982 and was published in the Maharashtra Govt. Gazette, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXX OF 1982

An Act to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980.

Whereas, both Houses of the State Legislature were not in session ;

And Whereas, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980.), for the purpose hereinafter appearing ; and, therefore, promulgated the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Second Extension of Duration) Ordinance, 1982 (Mah. Ord. XIV of 1982 (Mah. Ord. XIV of 1982) on the 31st August 1982 ;

And Whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Vacant Lands (Further Interim Protection to

Occupiers from Eviction and Recovery of Arrears of Rent) (Second Extension of Duration) Act, 1982.

(2) It shall be deemed to have come into force on the 31st August 1982.

2. *Amendment of section 1 of Mah. XVI of 1980.*—In section 1 of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980), (hereinafter referred to as "the Principal Act"), in sub-section (3), for the words, figures and letters "the 30th September 1982" the words, figures and letters "the 31st March 1983" shall be substituted.

3. *Repeal of Mah. Ord. XIV of 1982 and saving.*—(1) The Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Second Extension of Duration) Ordinance, 1982 (Myh. Ord. XIV of 1982.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

**THE MAHARASHTRA PREVENTION OF MALPRACTICES
AT UNIVERSITY, BOARD AND OTHER SPECIFIED
EXAMINATIONS ACT, 1982**

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 4th October, 1982 was published in the Maharashtra Govt. Gazette, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXXI OF 1982

An Act to provide for preventing malpractices at University, Board and other specified examinations.

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law in this State to provide for preventing malpractice at examinations held or proposed to be held by any University or the Board or any other authority specified by the State Government in this behalf, including leakage of question papers or copying at such examinations, and for matters connected therewith, and, therefore, promulgated the Maharashtra Prevention of Malpractices at University Board or other specified Examinations Ordinance, 1982 (Mah. Ord. IV of 1982.) on the 25th May 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Prevention of Malpractices at University, Board and other specified Examinations Act, 1982.

(2) It shall be deemed to have come into force on the 25th May 1982.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Board” means the Maharashtra State Board of Secondary and Higher Secondary Education established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (Mah. XLI of 1965.) or any of its Divisional Boards;

(b) “examination” means any examination held or proposed to be held by any University or the Board and includes such other examination held or proposed to be held by such other authority as may be specified in this behalf, from time to time, by the State Government by notification in the *Official Gazette*;

(c) “University” means any University established by law in the State of Maharashtra.

3. *Duties of paper setters and punishment for contravention.*—

(1) Any person who is appointed as a paper setter at any examination shall not supply or cause to be supplied the question paper drawn by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by his appointing authority in this behalf.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. *Duties of persons entrusted with printing, etc., of question papers and and punishment for contravention.*—(1) Any person who is entrusted with the work of printing, cyclostyling, typing or otherwise producing copies of any question paper set for the purposes of any examination shall not supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the work to him.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

5. *Duties of persons entrusted with custody of question paper and punishment for contravention.*—(1) Any person who is entrusted with the custody, or is otherwise in possession, of any question papers set up for the purposes of any examination shall not supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by authority which entrusted the custody or gave possession thereof to him.

(2) Any person who contravenes the provisions of section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. *Prohibition of supply or publication of any question paper before examination is held*—Whoever has in his possession any question paper set or purported to be set for any examination and supplies or causes to be supplied or offers to supply a copy thereof, or communicates or offers to communicate the contents thereof, to any person, whether for any consideration or otherwise, or gives publicity thereto in any manner, except in accordance with the instructions issued in writing by an authorised officer of the University, Board or other authority concerned with the examination, at any time before the examination is held, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. *Prohibition of copying and impersonating at examinations*.—Whoever is found in or near an examination hall by the invigilator or any other person appointed to supervise the conduct of the examination copying answers to the question paper set at the examination, from any books, notes or answer papers of other candidates or appearing at the examination for any other candidate or using any other unfair means, shall, on conviction, be punished with imprisonment for a term which extend to six months, or with fine which may extend to five hundred rupees, or with both.

8. *Punishment for abetment or offences*.—Whoever abets any offence punishable under this Act shall be punishable with the punishment provided for the offence.

9. *Offences to be cognizable and non-bailable*.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (II of 1974) all offences under this Act shall be cognizable offences and shall be non-bailable.

10. *Offences to be tried summarily*.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (II of 1974), all offences under this Act shall be tried in a summary way by any Metropolitan Magistrate or any Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the said Code shall ; as far as may be, apply to such trial :

Provided that in the case of conviction for any offences in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

11. *Repeal of Mah. Ord. IV of 1982 and saving*.—(1) The Maharashtra Prevention of Malpractices at University, Board and other specified Examinations Ordinance, 1982 (Mah. Ord. IV of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

**THE MAHARASHTRA RAW COTTON (PROCUREMENT
PROCESSING AND MARKETING) (RETROSPECTIVE
EXTENSION OF DURATION) ACT, 1982**

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 14th October, 1982 was published in the Maharashtra Govt. Gazette, Extraordinary, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO. XXXII OF 1982

An Act to extend the duration of the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971, with retrospective effect

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to extend the duration of the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971 (Mah. XLVII of 1971), with retrospective effect, for the purpose hereinafter appearing; and therefore, promulgated the Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Ordinance, 1982 (Mah. Ord. XIII of 1982), on the 24th August 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Act, 1982.

(2) It shall be deemed to have come into force on the 30th June 1982.

2. *Amendment of section 1 of Mah. XLVII of 1971.*—In section 1 of the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971 (Mah. XLVII of 1971), (hereinafter referred to as "the principal Act"), in sub-section (4), for the figures "1982" the figures "1984" shall be substituted.

3. *Saving.*—Nothing in this Act shall render any person liable to be convicted of any offence in respect of anything done by him or anything omitted to be done by him, before the 24th August 1982, if such act or omission was not an offence but for the retrospective extension of duration of the principal Act by this Act.

4. *Removal of doubt.*—For the removal of doubt, it is hereby declared that the principal Act, which was to expire after the 30th June 1982 having been retrospectively extended from that date upto and inclusive of the 30th June 1984, by this Act, it shall not be deemed ever to have expired at any time and all its provisions as amended by this Act shall be deemed to be continuously in force, except for the purposes of section 3 of this Act.

5. *Repeal of Mah. Ord. XIII of 1982 and saving.*—(1) The Maharashtra Raw Cotton (Procurement, Processing and Marketing) (Retrospective Extension of Duration) Ordinance, 1982 (Mah. Ord. XIII of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA RAW COTTON (PROCUREMENT, PROCESSING AND MARKETING) RETROSPECTIVE EXTENSION OF DURATION) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of the State of Maharashtra on the August 24, 1982 was published in the Maharashtra Govt. Gazette Extraordinary Part IV, dated December 30, 1982.

MAHARASHTRA ORDINANCE NO. XIII OF 1982

An Ordinance to extend the duration of the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971, with retrospective effect.

Whereas both Houses of the State Legislature are not in session ;

And Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to extend the duration of the Maharashtra Raw Cotton (Procurement, Processing and Marketing Act, 1971 (Mah. XLVII of 1971), with retrospective effect, for the purposes hereinafter appearing :

And Whereas the instructions from the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained :

Now, Therefore, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Raw Cotton (Procurement, Processing and Marketing) Retrospective Extension of Duration) Ordinance, 1982.

(2) It shall be deemed to have come into force on the 30th June 1982.

(Text omitted. Ordinance is repealed by Act XXXII of 1982—Editor).

THE MAHARASHTRA TEXTILE COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of the State of Maharashtra on the 24th August, 1982 was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated December 30, 1982;

MAHARASHTRA ORDINANCE NO. XII OF 1982

An Ordinance to provide for the acquisition of undertakings of two textile companies for the purpose of ensuring continued and increased production of goods essential to the needs of the country and for matters connected therewith or incidental thereto.

Whereas Messrs. Vijay Manufacturing Company (Private) Limited, Badnera, and Messrs. Western India Spinning and Manufacturing Company Limited, Bombay, owning industrial undertakings were engaged in production of articles mentioned in the First Schedule to the Industrial (Development and Regulation) Act, 1951 (LXV of 1951), i.e. textiles ;

And whereas the companies are being wound up under the supervision of the Bombay High Court and the business of these companies is not being continued ;

And whereas the management of the industrial undertakings of the two companies had been taken over by the Maharashtra State Textile Corporation Limited, Bombay, on behalf of the Government of India, under section 18FA of the said Act ;

And whereas it is expedient to acquire the said undertakings for ensuring continued production of goods essential to the needs of State and the country and to provide for matters connected therewith or incidental thereto ;

And whereas both Houses of the State Legislature are not in session ;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid ;

And whereas the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This ordinance may be called the **Maharashtra Textile Companies (Acquisition and Transfer of Undertakings) Ordinance, 1982.**

(Text omitted as Ordinance is repealed by Act No. XXXIII of 1982. Editor.)

THE MAHARASHTRA SALES TAX (THIRD AMENDMENT) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of the State of Maharashtra on the 26th November, 1982 was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated December 30, 1982.

MAHARASHTRA ORDINANCE NO. XVII OF 1982

An Ordinance further to amend the Bombay Sales Tax Act, 1959.

Whereas both Houses of the State Legislature are not in session ;

And Whereas the Governor of Maharashtra is satisfied that circumstances exist, which render it necessary for him to take immediate action further to amend the Bombay Sales Tax act, 1959 (Bom. LI of 1959); for the purposes hereinafter appearing ;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—This Ordinance may be called the **Maharashtra Sales Tax (Third Amendment) Ordinance, 1982.**

(2) It shall come into force on the 1st day of December 1982.

2. *Substitution of section 15A-I of Bom. LI of 1959.*—For section 15A-I of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), (hereinafter referred to as "the principal Act"), the following section shall be substituted, namely:—

"15AI. *Levy of additional tax in the case of dealers whose turnover exceeds Rs. 10,00,000 a year* — (1) Where the turnover of either of all sales or of all purchases by any dealer liable to pay tax under section 3 has exceeded ten lakh of rupees in any year, the tax payable by him shall be increased by the levy of an additional tax at the rate of 12 per cent of the tax payable by him for that year under the other provision of this Act. Such additional tax shall be paid by the dealer in addition to the tax levied and payable by him under the other provisions of this act :

Provided that, in calculating the additional tax payable by the dealer, the tax payable under the other provisions of this Act in respect of sales or purchases of declared goods, betelnuts, safety matches (excluding matches ordinarily used as fire-works), agricultural machinery and implements and components, etc., to which entry 18 in Schedule C, Part I, applies; kerosene, footwear to which entry 42(h) in Schedule C, Part II, applies, hydrogenated vegetable oils including *vanaspathi* to which entry 30 in Schedule C, Part-II, applies and vegetable non-essential oils, etc., to which entry 35 in Schedule C, Part I, applies shall not be taken into consideration.

(2) The additional tax shall be paid by the dealer before furnishing the return for the period in which the turnover either of all sales or of all purchases as computed from the commencement of the year first exceeds ten lakhs of rupees. The tax so payable shall be for the period from the commencement of the year to the end of the period covered by such return and the dealer shall continue to be liable to pay the additional tax for that year for all the subsequent periods till the end of that year.

(3) Out of the total additional tax so collected, an amount equal to 50 per cent thereof shall be utilised for the purpose of raising the resources for implementing the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977 (Mah. XX of 1978.)

(4) Notwithstanding anything contained in this Act, no dealer shall be entitled to collect any sum by way of additional tax payable by him under this section."

3. *Amendment of Schedule C to Bom. LI of 1959*. — In Schedule C to the principal Act, in Part II, —

(a) in entry 3, in columns 3 and 4, for the word "Do." the words "Eight paise in the rupee" shall be substituted;

(b) in entry 4(i), in columns 3 and 4, for the word "Do." the words "Six paise in the rupee." shall be substituted ;

(c) in entry 6, in columns 3 and 4, for the word "Do." the words "Eight paise in the rupee." shall be substituted ;

(d) in entry 7, in columns 3 and 4, for the word "Do." the words "Six paise in the rupee." shall be substituted ;

(e) in entry 20(1)(ii) and 20(2), in columns 3 and 4, for the words "Twelve paise in the rupee." the words, "Fifteen paise in the rupee." shall be substituted ;

(f) for entry 32, the following entry shall be substituted, namely :—
"32. Oil engines (other than those covered by entry 62 in this Schedule) and components, parts and accessories thereof—

(a) where the engine is of capacity of not exceeding 5 Horse Power ; Eight paise in the rupee. Eight paise in the rupee.

(b) where the engine is of capacity of exceeding 5 Horse Power. Ten paise in the rupee. Ten paise in the rupee.” ;

(g) in entry 33, in columns 3 and 4, for the word “Do.” the words “Eight paise in the rupee.” shall be substituted ;

(h) for entry 42(b), the following shall be substituted, under columns 2, 3 and 4, respectively, namely :—

“(b) when sold at a price exceeding Rs. 50, per pair. Twelve paise in the rupee. Twelve paise in the rupee.

(c) when sold at a price exceeding Rs. 50 per pair. Fifteen paise in the rupee. Fifteen paise in the rupee.” ;

(i) in entry 102, in columns 3 and 4, for the words “Eight paise in the rupee.” the words “Ten paise in the rupee.” shall be substituted.

STATEMENT

To augment the revenue, it is considered necessary to make certain amendments in the Bombay Sales Tax Act, 1959, as in force at present

2. The existing section 15A-I provides for levy of an additional tax at the rate of 6 per cent of the tax payable by the dealer under other provisions of the Act, whose turnover of either of all sales or of all purchases exceeds Rs. 10 lakhs in a year. This levy of additional tax is for raising additional resources for implementing the Employment Guarantee Scheme. It is proposed to raise this levy from 6 per cent to 12 per cent and use the additional resources (i. e. 6 per cent) that would be available for meeting expenditure on developmental activities of Government.

3. It is also found necessary to revise the rates of tax on certain goods specified in Part II of Schedule C to the Act, including goods covered by the residuary entry 102 in that Part.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Act for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF

Dated the 26th day of November 1982.

Governor of Maharashtra

THE BOMBAY BETTING TAX (AMENDMENT) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of the State Maharashtra on the 3rd December, 1982 was published in the Maharashtra Govt. Gazette Extraordinary Part IV, dated December 30, 1982.

MAHARASHTRA ORDINANCE NO. XIX OF 1982

An ordinance further to amend the Bombay Betting Tax Act, 1925.

Whereas both Houses of the State Legislature are not in session;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Betting Tax Act, 1925 (Bom. VI of 1925.), for the purposes hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra

is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commence.*—(1) This Ordinance may be called the **Bombay Betting Tax (Amendment) Ordinance, 1982.**

(2) It shall come into force at once.

2. *Amendment of section 5 of Bom. VI of 1925.*—In section 5 of the Bombay Betting Tax Act, 1925 (Bom. VI of 1925.), (hereinafter referred to as “the principal Act”), for the figures and words “15 per cent.” the figures and words “25 per cent.” shall be substituted.

3. *Amendment of section 8 of Bom. VI of 1925.*—In section 8 of of the principal Act, in sub-section (1), for the figures and words “15 per cent.” the figures and words “25 per cent.” shall be substituted.

STATEMENT

Since 1965, the maximum rate of tax under section 5 of the Bombay Betting Tax Act, 1925 (Bom. VI of 1925) on all monies paid into any totalisator by the backers by way of stakes or bets known as the totalisator tax, and under section 8 of the Act on all monies paid or agreed to be paid to a licensed bookmaker by the backers in respect of bets made in an enclosure set apart by the licensee known as the Betting tax, has been fixed at 15 per cent. of such monies. Since 1972, the totalisator tax is being levied at the maximum rate, and since 1975, the Betting tax is also being levied at the maximum rate, in respect of races held in this State. Both taxes are also being levied on all monies paid into any totalisator in the State by the backers by way of stakes or bets, and all monies paid or agreed to be paid to a licensed bookmaker by the backers in respect of bets made in an enclosure set apart by the licensee, on any race held on any race-course outside the State.

2. On account of increasing expenditure, it has become necessary to raise the maximum rate of both taxes and to fix it at 25 per cent. to enable Government to increase the existing rates gradually, as and when considered necessary, to augment the revenue of the State. Government has therefore decided to fix the maximum rate of both taxes at 25 per cent. but to increase the existing rate to some extent immediately, to augment the revenue during the current financial year itself.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist, which render it necessary for him to take immediate action further to amend the Bombay Betting Tax Act, 1925, for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF,
Governor of Maharashtra.

Dated the 3rd December 1982.

THE MARATHWADA AGRICULTURAL UNIVERSITY (KRISHI VIDYAPEETH) AMENDMENT ACT, 1982

The following Act of the Maharashtra Legislature having been assented to by the Governor on 5th January, 1983 was published in the Maharashtra Govt. Gazette, Part IV dated January 13, 1983.

MAHARASHTRA ACT NO. II OF 1983

An Act further to amend the Marathwada Agricultural University (Krishi Vidyapeeth) Act, 1972.

Whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which render it necessary for him to take immediate action further to amend the Marathwada Agricultural University (Krishi Vidyapeeth) Act, 1972 (Mah. XVIII of 1972.), for the purposes hereinafter appearing; and, therefore, promulgated the Marathwada Agricultural University (Krishi Vidyapeeth) (Amendment) Ordinance, 1982 (Mah. Ord. XVI of 1982.), on the 4th November 1982.

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called **Marathwada Agricultural University (Krishi Vidyapeeth) (Amendment) Act, 1982.**

(2) It shall be deemed to have come into force on the 4th November 1982.

2. *Insertion of Chapter VIII-A in Mah. XVII of 1972*—In the Marathwada Agricultural University (Krishi Vidyapeeth) Act, 1972 (Mah. XVII of 1972), after Chapter VIII, the following Chapter shall be inserted, namely :—

“CHAPTER VIII-A CONTROL

52-A. *Power to appoint Vice-Chancellor and to empower him to exercise powers of Court and Executive Council also in certain circumstances.*—(1) If, upon a report received or otherwise, the Chancellor is satisfied that—

(a) the Vice-Chancellor was or is unable to exercise general control over the affairs of the University and to carry out his responsibility for the due maintenance of discipline in the University; and

(b) any of the powers and duties of the Court and the Executive Council were or are not being exercised and performed properly or a situation has arisen in which the administration of the University cannot be carried on in accordance with the provision of this Act,

the Chancellor may, notwithstanding anything contained in this Act, by order published in the Official Gazette, appoint any person whom he deems fit to be the Vice-Chancellor, in place of the Vice-Chancellor then in office, for such term of office as he deems fit, which term may be extended by the Chancellor, by like order, from time to time, but shall not in the aggregate exceed two years.

(2) During his term of office, all the powers and duties to be exercised and performed by the Vice-Chancellor, and also by the Court and the Executive Council, under this Act and the Statutes and Regulations made thereunder and under any other law for the time being in force, shall, subject to the superintendence, direction and control of the Pro-Chancellor, be exercised and performed by the Vice-Chancellor so appointed, to the exclusion of their exercise and performance by the Court and the Executive Council for the time being.

(3) During his term of office, the Vice-Chancellor shall be paid such emoluments and have such other conditions of service as the Chancellor may determine.

(4) Before the expiry of the term of the Vice-Chancellor so appointed, arrangements may be made to appoint a new Vice-Chancellor in time, accordance with the provisions of sub-section (1) of section 13, either on the recommendation of the Committee existing immediately before the outgoing Vice-Chancellor was appointed, or on the recommendation of a new Committee constituted for the purpose, as the Chancellor may decide."

3. *Repeal and saving.*—(1) The Marathwada Agricultural University (Krishi Vidyapeeth) (Amendment) Ordinance, 1982 (Mah. Ord. XVI of 1982.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any order or appointment made or notification issued) under the Marathwada Agricultural University (Krishi Vidyapeeth) Act, 1972 (Mah. XVII of 1972.), as amended by the said Ordinance, shall be deemed to have been done, taken, made or issued, as the case may be, under the said Act, as amended by this Act.

THE MAHARASHTRA WATER SUPPLY AND SEWERAGE BOARD (AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature having been assented to by the Governor on 5th January, 1983, was published in the Maharashtra Govt. Gazette, Part IV dated January 13, 1983.

MAHARASHTRA ACT NO III OF 1983

An Act further to amend the Maharashtra Water and Sewerage Board Act, 1976

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Water Supply and Sewerage Board Act (Mah. XLV III of 1976.), for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Water Supply and Sewerage Board (Amendment) Ordinance, 1982 (Mah. Ord. XV of 1982.), on the 12th October 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Water Supply and Sewerage Board (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 12th October 1982.

2. *Amendment of section 2 of Mah. XLVIII of 1976.*—In section 2 of the Maharashtra Water Supply and Sewerage Board Act, 1975 (Mah. XLV III of 1976.), (hereinafter referred to as "the principal Act"), in clause (xv), after the words "the Chairman", the words "and the Vice-Chairman" shall be inserted

3. *Substitution of section 4 of Mah. XLVIII of 1976.*—For section 4 of the principal Act, the following section shall be substituted namely :—

"4 *Constitution of the Board.*—(1) On and from the date of commencement of the Maharashtra Water Supply and Sewerage Board

(Amendment) Act, 1982 (Mah. III of 1983.), in place of the existing Members, the Board shall consist of the following Members, namely :

(a) the Minister for Urban Development, who shall also be the Chairman of the Board, ex-officio;

(b) the Minister of State for Rural Development, who shall also be the Vice-chairman of the Board, ex-officio;

(c) three official Members to be appointed by the State Government to represent the Urban Development and the Rural Development and the Finance Department.

(d) the Municipal Commissioner of one of Municipal Corporations in the State, to be appointed by the State Government, ex-officio;

(e) two non-official Members to be appointed by the State Government from amongst the elected members of the local authorities in the State;

(f) four Members to be appointed by the State Government, who in the opinion of the State Government, have special knowledge or practical experience in the field of water supply or sewerage; and

(g) the Member-Secretary to be appointed by the State Government.

(2) Notwithstanding anything contained in this Act, the Board shall be deemed to be validly constituted with effect from the date of commencement of the said Act and all the powers, duties and functions of the Board shall at any time be exercisable, performed and discharged by the Members, who are for the time being holding offices specified in clauses (a), (b) and (g) of sub-section (1), even though all or any other Members may or may not have been appointed for the time being.

(3) The names of persons appointed as Members under clauses (c), (d), (e) and (f) of sub-section (1) shall, from time to time, be published in the official Gazette".

4. *Substitution of section 6 of Mah XLVIII of 1976.*—For section 6 of the principal Act, the following sections shall be substituted, namely :—

"6. *Term of office of Members.*—(1) A person appointed as Member under clause (c), (d) or (f) of sub-section (1) of section 4 shall hold office for three years from the date of his appointment, unless his term of office is determined earlier by the State Government, by notification in the Official Gazette.

(2) A person appointed as Member under clause (e) of sub-section (1) of section 4 shall hold office for three years from the date of his appointment :

Provided that, he shall cease to be Member as soon as he ceases to be an elected member of the local authority concerned or if his term of office is determined earlier by the State Government, by notification in the Official Gazette.

(3) The Member-Secretary shall hold office for such period as the State Government may by order specify.

(4) The Members shall be eligible for re-appointment.

(5) Any Member may at any time resign his office by writing under his hand addressed to the State Government and, on such resignation being accepted, he shall be deemed to have vacated his office.

6.A. *Temporary absence of Members.*—(1) In the absence of the Chairman, the Vice-Chairman shall be competent to carry out the duties and functions of the Chairman.

(2) If the Vice-Chairman or any other Member of the Board is, for reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the State Government or is otherwise unable to attend to his duties, in circumstances not involving the cessation of his membership, the State Government may appoint another person to act for him as the Vice-Chairman or other Member, as the case may be, to carry out his duties and functions under this Act. Such person shall vacate office on the date when the Vice-Chairman or other Member, as the case may be, resumes his duties.”

5. *Amendment of section 7 of Mah. XLVIII of 1976.*—In section 7 of the principal Act,—

(a) in sub-section (1), the words “Chairman and the” shall be deleted;

(b) sub-section (3) shall be deleted

6. *Repeal and saving.*—(1) The Maharashtra Water Supply and Sewerage Board (Amendment) Ordinance, 1982 (Mah. Ord. XV of 1982.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued or any appointment made) under the principal Act, as amended by the said Ordinance shall be deemed to have been done, taken, issued or made, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA APPROPRIATION (EXCESS EXPENDITURE) ACT, 1982

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary Part IV, date January 14, 1983.

MAHARASHTRA ACT NO. IV OF 1983

An Act to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1978, in excess of the amounts granted for those services and for that year.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the authorisation of appropriation of money out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1978, in excess of the amounts granted for those services and for that year; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Appropriation (Excess Expenditure) Act, 1982..

(Text Omitted)

**THE MAHARASHTRA APPROPRIATION (SECOND EXCESS
EXPENDITURE) ACT, 1982**

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated January 14, 1983.

MAHARASHTRA ACT NO. V OF 1983

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1979 in excess of the amounts granted for those services and for that year.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1979, in excess of the amounts granted for those services and for that year ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Appropriation (Second Excess Expenditure) Act, 1982.

(Text Omitted)

**THE MAHARASHTRA APPROPRIATION (THIRD EXCESS
EXPENDITURE) ACT, 1982**

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary Part IV, dated January 14, 1983.

MAHARASHTRA ACT NO. VI OF 1983

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1980, in excess of the amounts granted for those services and for that year.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1980, in excess of the amounts granted for those services and for that year ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Appropriation (Third Excess Expenditure) Act, 1982.

(Text Omitted)

**THE MAHARASHTRA SALES TAX (THIRD AMENDMENT)
ACT, 1982**

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated January 15, 1983.

MAHARASHTRA ACT NO. VII OF 1983

An Act further to amend the Bombay Sales Tax Act, 1959.

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Sales Tax Act, 1959, (Bom. LI of 1959.) for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Sales Tax (Third Amendment) Ordinance, 1982. (Mah. Ord. XVII of 1982.) on the 26th November 1982;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Maharashtra Sales Tax (Third Amendment) Act, 1982.**

(2) It shall be deemed to have come into force on the 1st day of December 1982.

2. *Substitution of section 15A-I of Bom. LI of 1959.*—For section 15A-I of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959.) (hereinafter referred to as "the principal Act"), the following section shall be substituted, namely:—

'15-A-I Levy of additional tax in the case of dealers, whose turnover exceeds Rs. 10,00,000 a year.—(1) Where the turnover of either of all sales or of all purchases by any dealer liable to pay tax under section 3 has exceeded ten lakhs of rupees in any year, the tax payable by him shall be increased by the levy of an additional tax at the rate of 12 per cent of the tax payable by him for that year under the other provisions of this Act. Such additional tax shall be paid by the dealer in addition to tax levied and payable by him under the other provisions of this Act:

Provided that, in calculating the additional tax payable by the dealer, the tax payable under the other provisions of this Act in respect of sales or purchases of declared goods, betelnuts, safety matches excluding matches ordinarily used as fire-works), agricultural machinery and implements and components, etc., to which entry 18 in Schedule C, Part I, applies, kerosene, footwear to which entry 42 (a) in Schedule C, Part II, applies, hydrogenated vegetable oil including vanaspati to which entry 30 in Schedule C, Part-II, applies, and vegetable nonessential oils, etc., to which entry 35 in Schedule C, Part I, applies, shall not be taken into consideration.

(2) The additional tax shall be paid by the dealer before furnishing the return for the period in which the turnover either of all sales or of all purchases as computed from the commencement of the year first exceeds ten lakhs of rupees. The tax so payable shall be for the period from the commencement of the year to the end of the period covered by

such return and the dealer shall continue to be liable to pay the additional tax for that year for all the subsequent periods till the end of that year

(3) Out of the total additional tax so collected, an amount equal to 50 per cent thereof shall be utilised for the purpose of raising the resources for implementing the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977. (Mah. XX of 1978.)

(4) Notwithstanding anything contained in this Act, no dealer shall be entitled to collect any sum by way of additional tax payable by him under this section "

3. *Amendment of section 37 Bom. LI of 1959.*—In section 37 of the principal Act, in sub-section (1),—

(a) In clause (a), in sub-clause (ii-a), for the words, brackets, figures and letters "sub-section (2) of section 15A-I" the words, brackets, figures and letters "sub-section (4) of section 15A-I" shall be substituted ;

(b) in clause (b), in sub-clause (ii), for the words, brackets figures and letters "sub-section (2) of section 15A-I" the words, brackets, figures, and letters "sub-section (4) of section 15A-I" shall be substituted.

4. *Amendment of section 63 of Bom. LI of 1959.*—In section 63 of the principal Act, in sub-section (10), in clause (a), for the words, brackets, figures and letters "sub-section (2) of section 15A-I" the words, brackets, figures and letters "sub-section (4) of section 15-I" shall be substituted.

5. *Amendment of Schedule C to Bom. LI of 1959.*—In Schedule C to the principal Act, in Part II,—

(a) in entry 3, in columns 3 and 4, for the word "Do." the words "Eight paise in the rupee." shall be substituted;

(b) in entry 4 (i), in columns 3 and 4, for the word "Do." the words "six paise in the rupee" shall be substituted;

(c) in entry 6, in columns 3 and 4, for the word "Do." the words "Eight paise in the rupee" shall be substituted;

(d) in entry 7, in columns 3 and 4, for the word "Do." the words "Six paise in the rupee." shall be substituted;

(e) in entry 20 (1) (ii) and 20 (2), in columns 3 and 4, for the words "Twelve paise in the rupee." the words "Fifteen paise in the rupee" shall be substituted;

(f) for entry 32, the following entry shall be substituted, namely :—
"32. Oil engines (other than those covered by entry 62 in this Schedule) and components, parts and accessories thereof—

(a) where the engine is of capacity not exceeding 5 Horse Power;	Eight paise in the rupee.	Eight paise in the rupee
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(b) where the engine is of capacity exceeding 5 Horse Power.	Ten paise in the rupee.	Ten paise in the rupee.";
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(g) in entry 33, in column 3 and 4, for the words "Do." the words "Eight paise in the rupee." shall be substituted;

(h) for entry 42 (b), the following shall be substituted, under columns 2, 3 and 4 respectively, namely :—

(b) when sold at a price exceeding Twelve paise in Twelve paise in Rs. 30, but not exceeding Rs. 50, per the rupee. the rupee pair.

(c) when sold at a price exceeding Fifteen paise in Fifteen paise in Rs. 50 per pair. the rupee. the rupee.”:

(i) in entry 102, in columns 3 and 4, for words “Eight paise in the rupee,” the words “Ten paise in the rupee.” shall be substituted.

6. *Repeal of Mah. Ord. XVII of 1982 and saving.*—(1) The Maharashtra Sales Tax (Third Amendment) Ordinance, 1982 (Mah. Ord. XVII of 1982.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any tax levied and collected under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken or, levied and collected, as the case may be under the principal Act, as amended by this Act.

THE BOMBAY BETTING TAX (AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary Part IV, dated January 15, 1983.

MAHARASHTRA ACT No. VIII OF 1983

An Act further to amend the Bombay Betting Tax Act, 1925

Whereas both Houses of the State Legislature were not in session :

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Betting Tax Act, 1925 (Bom. VI of 1925), for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Betting Tax (Amendment) Ordinance, 1982 (Mah. Ord. XIX of 1982), on the 3rd December 1982 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Betting Tax (Amendment) Act, 1982.**

(2) It shall be deemed to have come into force on the 3rd December 1982.

2. *Amendment of section 5 of Bom. VI of 1926.*—In section 5 of the Bombay Betting Tax Act, 1925 (Bom. VI of 1925), (hereinafter referred to as “the principal Act”), for the figures and words “15 per cent.” the figures and words “25 per cent.” shall be substituted.

3. *Amendment of section 8 of Bom. VI of 1925.*—In section 8 of the principal Act, in sub section (1), for the figures and words “15 per cent”, the figures and words “25 per cent ” shall be substituted

4. *Repeal of Mah. Ord. XIX of 1982 and saving.*—The Bombay Betting Tax (Amendment) Ordinance, 1982 (Mah. Ord. XIX of 1982.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any Notification issued under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, issued, or taken, as the case may be, under the principal Act, as amended by this Act

THE MAHARASHTRA SECONDARY AND HIGH SECONDARY EDUCATION BOARDS (AMENDMENT) ACT, 1982.

The following Act of the Maharashtra Legislature received the assent of the Governor on 11th January, 1983, and was published in the Maharashtra Government Gazette, Extraordinary Part IV, dated January 17, 1983.

MAHARASHTRA ACT NO. IX OF 1983

An Act further to amend the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965.

Whereas it is expedient further to amend the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965, (Mah. XLI of 1965.) for the purposes hereinafter appearing; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement* — (1) This Act may be called the **Maharashtra Secondary and Higher Secondary Education Boards (Amendment) Act, 1982.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2 of Mah. XLI of 1965.*—In the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (hereinafter referred to as “the principal Act”), in section 2, for clause (n), following clause shall be substituted, namely :—

“(n) “revenue division” means the Bombay revenue division, the Konkan revenue division, the Pune revenue division, the Nashik revenue division, the Nagpur revenue division, the Amravati revenue division or the Aurangabad revenue division, as the case may be, formed under the Maharashtra Land Revenue Code, 1966 ;”

3. *Amendment of section 5 of Mah. XLI of 1965.*—In section 5 of the principal Act, in sub-section (1), under the heading Class C—Nominated Members.”,—

(a) in each of the paragraphs (i), (iv) and (v), for the words “Four members” the word “Seven members” shall be substituted ;

(b) in paragraph (ii).—

(A) For the words “Eight” the word “Seven” shall be substituted;

(B) For the word “two”, where it occurs for the first time, the word “one” shall be substituted.

4. *Amendment of section 6 of Mah. XLV of 1965.*—In section 6 of the principal Act, in sub-section (1), under the heading Class III—Nominated Members.”, for paragraph (i), (ii) and (iv), the following paragraphs shall be substituted, namely :—

“(i) (a) In Pune Division and Nagpur Division—three members from each of the revenue divisions, in the respective Divisions, and

(b) in Aurangabad Division—five members from Aurangabad revenue division.

nominated by the State Government, from amongst the principals, headmasters and headmistress in the respective revenue division, of whom one shall be the principal of a junior college

(ii) (a) In Pune Division and Nagpur Division—four members from each of the revenue divisions, in the respective Divisions, and

(b) in Aurangabad Division—six members from Aurangabad revenue division,

nominated by the State Government, from amongst the teachers in the respective revenue division, of whom two shall be teachers in junior colleges.

(iii) (a) In Pune Division and Nagpur Division—One member from each of the revenue divisions, in the respective Divisions, and

(b) in Aurangabad Division—two members from Aurangabad revenue division,

nominated by the State Government, from amongst the representatives of the managing bodies of secondary schools and junior colleges recognised by the Divisional Board in the respective revenue division, of whom one shall be the representative of the managing bodies of junior colleges”.

5. *Substitution of First Schedule to Mah. XLI of 1965.*—For the First Schedule to the principal Act, the following Schedule shall be substituted, namely:—

“FIRST SCHEDULE

(See clauses (c) and (n) of section 2)

1. PUNE DIVISION

(1) City of Bombay district	...	}	Bombay revenue division
(2) Bombay Suburban district	...		
(3) Thane district	...	}	Konkan revenue division
(4) Raigad district	...		
(5) Ratnagiri district	...		
(6) Sindhudurg district	...		
(7) Pune district	...	}	Pune revenue division
(8) Satara district	...		
(9) Sangli district	...		
(10) Solapur district	...		
(11) Kolhapur district	...	}	Nashik revenue division
(12) Nashik district	...		
(13) Dhule district	...		
(14) Jalgaon district	...		
(15) Ahmadnagar district	...		

II. NAGPUR DIVISION

(1) Nagpur district	...	}	Nagpur revenue division
(2) Wardha district	...		
(3) Bhandara district	...	}	Amravati revenue division
(4) Chandrapur district	...		
(5) Gadchiroli district	...		
(6) Amravati district	...		
(7) Buldana district	...	}	
(8) Akola district	...		
(9) Yavatmal district	...		

III. AURANGABAD DIVISION

(1) Aurangabad district	...	}	Aurangabad revenue division.
(2) Parbhani district	...		
(3) Beed district	...		
(4) Nanded district	...		
(5) Osmanabad district	...		
(6) Jalna district	...		
(7) Latur district	...		

THE BOMBAY CIVIL COURTS (AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature received the assent of the President on 15th February, 1983 and was published in the Maharashtra Government Gazette, Extraordinary Part 4, dated February 24, 1983.

MAHARASHTRA ACT NO. X OF 1983

An Act further to amend the Bombay Civil Courts Act, 1869.

Whereas, it is expedient further to amend the Bombay Civil Courts Act, 1899 (XIV of 1869.) for the purposes hereinafter appearing; It is hereby enacted in the Thirty third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Civil Courts (Amendment) Act, 1982.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 16 of Act XIV of 1869*—In section 16 of the Bombay Civil Courts Act, 1889 (XIV of 1869), (hereinafter referred to as “the principal Act”),—

(a) for the words “original suits of which the subject-matter does not amount to forty thousand rupees in amount or value;” the words “any original suits and proceedings of a civil nature, shall be substituted ;

(b) for the words “twenty-five thousand rupees;” the words “fifty thousand rupees,” shall be substituted.

3. *Amendment of section 26 of Act XIV of 1869.*—In section 26 of the principal Act, for the words “twenty-five thousand rupees” the words “fifty thousand rupees” shall be substituted.

4. *Amendment of section 28A of Act XIV of 1869.*—In section 28A of the principal Act, in sub-section (2), for the words “twenty-five thousand rupees” the words “fifty thousand rupees” shall be substituted.

5. *Amendment of section 43 of Act XIV of 1869.*—In section 43 of the principal Act, the words, “New Year’s Day, Good Friday, and Christmas Day” shall be deleted.

THE MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature received the assent of the President on the 15th February, 1983 and was published in the Maharashtra Govt. Gazette, Extraordinary, Part IV, dated February 24, 1983.

MAHARASHTRA ACT NO. XI OF 1983

An Act further to amend the Maharashtra Municipalities Act, 1965.

Whereas it is expedient further to amend the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Maharashtra Municipalities (Amendment) Act, 1982.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 16 of Mah. XL of 1965.*—In section 16 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), (hereinafter to as “the principal Act”), in sub-section (3), after clause (g), the following shall be added, namely :—

“; or

- (h) receiving a pension from or of the Council referred ; or
- (i) any relation, being employed with, by, or on behalf of, the Council, as an Officer or servant thereof.”

3. *Amendment of section 42 of Mah. XL of 1965.*—In section 42 of the principal Act, in sub-section (1), for the words “any disgraceful conduct,” the words “any disgraceful conduct, during his current term of office or even during his immediately preceeding term of office as a Councillor.” shall be substituted.

4. *Amendment of section 43 of Mah. XL of 1965.*—In section 43 of the principal Act, in the proviso, the words “after the expiry of one year from the date of his resignation and” shall be deleted.

5. *Amendment of section 51 of Mah. XL of 1965.*—In section 51 of the principal Act,—

- (a) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate, shall be final and conclusive and shall not be called in question in any Court.”

- (b) in sub-section (6), the words “over which the President shall preside” shall be deleted,

6. *Amendment of section 63 of Mah. XL of 1965.*—In section 63 of the principal Act,—

- (a) in sub-section (2), for the words and figures “The President shall, within seven days of his election under section 51,” the words and figures “The Collector shall, within seven days of the election of the President under section 51,” shall be substituted ;

- (b) after sub-section (2), the following sub-sections shall be inserted, namely :—

“(2A) The meeting called under sub-section (2) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council, when presiding over a meeting of the Council has, but shall not have the right to vote.

(2B) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court."

7. *Amendment of section 65 of Mah. XL of 1965.*—In section 65 of the principal Act,—

(a) in sub-section (4), for the words and figures "The President shall, within seven days of his election as President under section 51," the words and figures "The Collector shall, within seven days of the election of the President under section 51," shall be substituted;

(b) after sub-section (4), the following sub-sections shall be inserted, namely :—

"(4A) The meeting called under sub-section (4) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council, when presiding over a meeting of the Council has, but shall not have the right to vote.

(4B) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate, shall be final and conclusive and shall not be called in question in any Court."

8. *Amendment of section 93 of Mah. XL of 1965.*—In section 93 of the principal Act, in sub-section (6), for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted.

9. *Insertion of section 100A in Mah. XL of 1965.*—After section 100 of the principal Act, the following section shall be inserted, namely :—

"100A, *Application of Government Premises. (Eviction) Act to municipal premises, with certain modifications.*—With effect from such date and in such municipal areas as the State Government may, by notification in the Official Gazette, specify, the Bombay Government Premises (Eviction) Act, 1955, (Bom. II of 1956) and the rules made thereunder, from time to time, shall apply, *mutatis Mutandis*, to

municipal premises in those areas as it applies to Government premises, subject to the modifications mentioned in Schedule IA."

10. *Insertion of section 147A in Mah. XL of 1965.*—After section 147 of the principal Act, the following heading and section shall be inserted, namely:—

"(4A) *Stamp duty.*

147A. *Additional stamp duty on certain transfers of immovable properties in certain municipal areas.*—(1) The stamp duty leviable under the Bombay Stamp Act, 1958, (Bom. LX of 1958) on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the municipal areas, of such Councils having population of not more than 50,000 and executed on and after such date as may be specified by the State Government by notification in the Official Gazette, be increased by a surcharge at the rate of one-half per cent in the case of sale or gift on the value of the property so situated and in the case of an instrument of usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

(2) For the purposes of this section, section 28 of the Bombay Stamp Act, 1958, (Bom. LX of 1958) shall be read and enforced as if it specifically required the particulars therein referred to be set forth separately in respect of—

(a) the property situated in a municipal area of any of the Councils specified under sub-section (1), and

(b) the property situated in any other area.

(3) The State Government shall, every year, after due appropriation made by law in this behalf, pay to each Council specified under sub-section (1) a grant-in-aid approximately equal to the amount of additional duty realised on account of the surcharge levied under this section in respect of immovable properties situated within the jurisdiction of that Council.

(4) The sum of money required to meet the expenditure by the State Government under sub-section (3) shall be charged on the Consolidated Fund of the State.

(5) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this section."

11. *Amendment of section 342 of Mah. XL of 1965.*—In section 342 of the principal Act, in sub-section (4), in the second proviso, after the words "removal of the President" the words, "and shall be excluded for the purpose of counting total number of Councillors or any majority therefrom required for passing any such motion," shall be inserted.

12. *Insertion of Schedule IA in Mah. XL of 1965.*—After Schedule I to the principal Act, the following Schedule shall be inserted, namely:—

"SCHEDULE IA
(See section 100A)

Application of the Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) and the rules made thereunder, from time to time, to municipal premises in specified municipal areas in the State, with certain modifications.

With effect from such date and in such municipal areas as the State Government may by notification in the Official Gazette, from time to time, specify, under section 100A, the Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) and the rules made thereunder, from time to time, shall, *mutatis mutandis*, apply to municipal premises in the said municipal areas, subject to the following modifications, namely;—

1. In section 2, after clause (a), there shall be inserted the following clause, namely :—

“(aa) “Municipal Council” or “Council” means a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965) and which is specified under section 100A of that Act, and “municipal premises” means any premises belong to or taken on lease by or on behalf of such Council;”.

2. For section 3, there shall be substituted, the following section, namely :—

“3. *Appointment of Competent authorities.*—The State Government may, by notification in the Official Gazette, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of Deputy Collector or Executive Engineer, to be a Competent authority for the purposes of this Act for such municipal areas or parts thereof and for all or any classes of municipal premises therein as may be specified in such notification, and more than one officer may be appointed as competent authority in the same area in respect of all municipal premises or different classes of municipal premises in that area.”.

3 In the Act, except in sections 3 and 12, and in the rules made under the Act, references to “the State Government” and “Government” shall be deemed to be references to “the Municipal Council” and references to “Government premises” shall be deemed to be references to “municipal premises”.

THE MAHARASHTRA KIDNEY TRANSPLANTATION ACT, 1982

The following Act of the Maharashtra Legislature received the assent the President on the 15th February, 1983, and was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated February 24, 1983.

MAHARASHTRA ACT NO. XII OF 1983

An Act to make provisions for use of kidneys of deceased persons, and for donation of kidneys, for therapeutic purposes.

Whereas it is expedient to make provisions for use of kidneys of deceased persons, and for donation of kidneys, for therapeutic purposes and to provide for matters connected therewith; It is hereby enacted in the Thirty-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement* —(1) This Act may be called the Maharashtra Kidney Transplantation Act, 1982.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force—

(a) in Greater Bombay, at once; and

(b) in the remaining area or areas in the State, on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different areas.

2. *Definitions*—In this Act, unless the context otherwise requires,

(a) "approved institution" means a hospital or a medical or teaching institution for the therapeutic purposes approved by the State Government for the purposes of this Act;

(b) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, father, mother, son, daughter, brother or sister, and shall not include any other person;

(c) "registered medical practitioner" means a practitioner practising any system of medicine and recognised as a registered medical practitioner under any law for the time being in force in India.

3. *Removal of kidneys of deceased person for therapeutic purposes.*—(1) If any person either in writing at any time during his life-time, or orally in the presence of two or more witnesses during his last illness, has expressed a request that his kidneys be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death shall, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the kidneys from the body for these purposes.

(2) Notwithstanding anything contained in sub-section (1), any person lawfully in possession of the body of a deceased person may authorise the removal of the kidneys from the body for the purposes aforesaid, unless that person has reason to believe,—

(a) that the deceased had expressed an objection to his kidneys being so dealt with after his death, and had not withdrawn such objection; or

(b) that a near relative of the deceased object to the kidneys of the deceased being so dealt with, before such person authorises the removal of the kidneys.

(3) An authority given under the provisions of this section in respect of any deceased person shall be sufficient warrant for the removal of the kidneys from the body and their use for the purposes aforesaid; but no such removal shall be effected except by a registered medical practitioner working in an approved institution or by a registered medical practitioner (being a person possessing qualifications in surgery recognised under any law for the time being in force) approved in writing by the State Government or by any officer authorised by it in this behalf, who has satisfied himself by a personal examination of the body that life is extinct.

4. *Authority for removal of kidneys within one hour after death.*—(1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the person empowered to give authority for the removal of the kidneys under section 3 to authorise removal of the kidneys from the body of the deceased person within one hour after such person has been declared dead by any registered medical practitioner.

(2) The date and time of death shall be certified by the registered medical practitioner who attends the donor at his death or where there

is no such practitioner, by any other registered medical practitioner who is called upon to do so. But any such practitioner so certifying shall not participate in the procedures for removing or transplanting the kidneys.

5. *Doubts in respect of inquest or post-mortem, to be referred to Coroner or officer performing similar functions as Coroner.*—(1) If the person lawfully in possession of the body of a deceased person has reason to believe that an inquest or a post-mortem examination may be required to be held in accordance with the provisions of any law for the time being in force, the authority for the removal of the kidneys shall not be given, except with the consent of the Coroner or any other officer performing similar functions as the Coroner under any other law for the time being in force.

(2) The Coroner or such other officer referred to in sub-section (1) may give direction, either before or immediately after the death of a person, that his consent to the removal of the kidneys from the body of the person after the death of the person is not required.

(3) A consent or direction of the Coroner or such other officer may be given, subject to such conditions as are specified in such consent or direction. Such consent or direction may be given orally by the Coroner or such other officer, but shall be confirmed in writing by him within forty-eight hours from the time the consent or direction is given orally.

6. *No authority for removal of kidney, when body is entrusted to person only for cremation, etc.*—No authority for the removal of kidneys shall be given under section 3 in respect of the body of a deceased person by a person entrusted by another person with the body of the deceased person for the purpose only of its interment or cremation.

7. *Authority to remove kidneys, when body is lying unclaimed in approved institution.*—In the case of a body lying unclaimed or likely to remain unclaimed in an approved institution, any authority for removal of kidneys under this Act may be given on behalf of the person having the control or management of the approved institution by any officer or person designated in that behalf by the first mentioned person.

8. *Saving.*—(1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful dealing with the kidneys of a deceased person, which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of kidneys given in accordance with the provisions of this Act shall not be deemed to be in contravention of the provisions of section 297 of the Indian Penal Code (XLV of 1860).

9. *Protection of persons acting under the Act in good faith.*—No suit, prosecution or other legal proceeding shall lie against an approved institution or a person lawfully in possession of the body of a deceased person or the Coroner or any other officer performing functions similar to those of the Coroner or any officer of an approved institution or of the Government or a local authority or any registered medical practitioner, for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

10. *Rules.*—(1) The State Government may by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for,—

(a) the form and the manner in which the person lawfully in possession of the body of a deceased person may authorise the removal of kidneys for therapeutic purposes ;

(b) the form and the manner in which a near relative of a deceased person may object to the deceased person's kidneys being used for therapeutic purposes ;

(c) the form and the manner in which any authority for removal of kidneys under this Act may be given on behalf of the person having the control or management of an approved institution by any officer or person designated in that behalf by the person having the control or management of the approved institution ;

(d) the manner in which the Coroner or any other person performing the functions of the Coroner may give his consent for the removal of kidneys from the body of a deceased person ;

(e) any other matter which is to be, or may be prescribed by rules under this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall without prejudice to the validity of anything previously done or omitted to be done under that rule

THE MAHARASHTRA OWNERSHIP FLATS (REGULATION OF THE PROMOTION OF CONSTRUCTION, SALE, MANAGEMENT AND TRANSFER) (EXTENSION OF DURATION) ACT, 1982

The following Act of the Maharashtra Legislature received the assent of the President on the 19th February, 1983 and was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated February 24, 1983.

MAHARASHTRA ACT NO. XIII OF 1983

An Act to extend the duration of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale management and transfer) Act, 1963.

Whereas, it is expedient to extend the duration of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963); It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Extension of Duration) Act, 1982.

2. *Amendment of section 1 of Mah XLV of 1963.*—In section 1 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963), in sub-section (4), for the figures "1983" the figures "1985" shall be substituted.

THE ADMINISTRATORS-GENERAL AND OFFICIAL TRUSTEES (MAHARASHTRA AMENDMENT) ACT, 1982

The following Act of the Maharashtra Legislature, having been assented to by the President on the 24th February 1983, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 1st March, 1983.

MAHARASHTRA ACT NO. XIV OF 1983

An Act to amend the Administrators-General Act, 1963 and the Official Trustees Act, 1913, in their application to the State of Maharashtra.

Whereas it is expedient to amend the Administrators General Act 1963, (XLV of 1963) and the Official Trustees Act, 1913 (II of 1913), in their application to the State of Maharashtra, for the purpose hereinafter appearing ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Administrators-General and Official Trustees (Maharashtra Amendment) Act, 1982.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 43 of Act XLV of 1963.*—To section 43 of the Administrators-General Act, 1963 (XLV of 1963.) in its application to the State of Maharashtra, the following proviso shall be added, namely :—

“Provided that, notwithstanding anything contained in the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930.), the State Government may, by order published in the Official Gazette, direct that all or any of the accounts of the Administrator-General for the State, for such period or periods, and in such manner, as may be specified in the order, shall be audited by an officer or officers deputed by the Chief Auditor Local Fund Accounts, and shall be certified by him or them as provided in section 44.”

3. *Amendment of section 19 of Act II of 1913.*—In section 19 of the Official Trustees Act, 1913 (II of 1913.), in its application to the State of Maharashtra, to sub-section (1), the following proviso shall be added, namely :—

“Provided that, notwithstanding anything contained in the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930.), the State Government may, by order published in the Official Gazette, direct that all or any of the accounts of the Official Trustee for the State, for such period or periods, and in such manner, as may be specified in the order, shall

be audited by an officer or officers deputed by the Chief Auditor, Local Fund Accounts, and shall be certified by him or them as provided in sub-section (2)."

THE MAHARASHTRA (SUPPLEMENTARY) APPROPRIATION ACT, 1983

The following Act of the Maharashtra Legislature having been assented to by the Governor on the 22nd March, 1983 was published in the Maharashtra Govt. Gazette, Part IV, dated March 22, 1983.

MAHARASHTRA ACT NO. XV OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1983.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1983 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra (Supplementary) Appropriation Act, 1983.

(Text Omitted)

THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE BY GOVERNMENT (REVISION OF AGREEMENTS) ACT, 1982

The following Act of the Maharashtra Legislature having been assented to by the Governor on the 21st March, 1983 was published in the Maharashtra Govt. Gazette, Part IV, dated March 23, 1983.

MAHARASHTRA ACT NO. XVI OF 1983

An Act to take powers to revise certain agreements to get fair price for forest-produce supplied by Government to purchasers for long terms periods and for certain other matters.

Whereas it is expedient to take power to the State Government to revise certain agreements, from time to time, to get fair price for forest-produce sold or supplied by the State Government to the purchasers for long term period and to prevent loss of income due to Government and to enforce the revised agreement and to provide for matters connected therewith ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Maharashtra Supply of Forest-produce Government (Revision of Agreements) Act, 1982.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "agreement" shall include any contract, licence, bond, deed or other document, whereby the State Government agrees to sell or supply any forest-produce to any person or to permit any forest-produce to be collected and removed by any person for consideration, for a long term period, on terms and conditions specified in such document ;

(b) "forest-produce" shall have the meaning assigned to it in the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra ;

(c) "long term period" means any period exceeding twelve months ;

(d) "prescribed" means prescribed by rules made by the State Government under this Act ;

(e) "purchaser" means any person, including any company or association or body of individuals, whether incorporated or not, who purchases or is supplied or obtains any forest-produce from the State Government under any agreement.

3. Power of Government to revise agreements for sale or supply of forest produce.—Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement, which may be entered into by the State Government with any purchaser on or after the date of commencement of this Act, it shall be lawful for the State Government, from time to time, by order published in the Official Gazette, to add to, substitute, delete or otherwise amend any of the terms and conditions of any such agreement, for one or more of the following purposes, namely :—

(a) to provide for a revision or a periodical revision of the price or rate for sale or supply of forest-produce to the purchaser, where such agreement does not provide for any such revision or periodical revision, as the case may be, and, where such periodical revision is provided in the agreement, to provide for reducing or enhancing the period of revision :

Provided that, the price or rate once fixed shall not be liable to be revised by the State Government for a period of at least twelve months from the date on which such price or rate has come into force ;

(b) to provide for the removal or any modification of any ceiling imposed in any such agreement on the increase, at the time of revision, in the price or rate at which the forest-produce is to be sold or supplied to the purchaser ;

(c) to provide for the adjustment or change in the unit of weight or measure in which the forest-produce is to be weighed, measured or counted, for the purpose of its sale or supply to the purchaser or for the purposes of charging or recovery of the price or rate therefor, without, however, materially or substantially changing the quantity of forest-produce agreed to be sold or supplied to the purchaser.

4. Price or rate of forest-produce sold or supplied to purchasers not to exceed market value—(1) The price or rate for sale or supply of the forest-produce, to be fixed at the time of any revision of the price or rate under section 3, shall not exceed the market value of the forest-produce at the time of such revision, as may be determined by the State Government in the prescribed manner.

(2) Where the price or rate is fixed, at the time of revision, for a period exceeding twelve months at a time, the State Government may provide for an annual increase in the price or rate towards the anticipated escalation in the market value of the forest-produce during the period the revised price or rate is to remain in force.

5. Power of Government to terminate agreements for breach of terms and conditions.—(1) Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement, which may be entered into by the State Government with any purchaser on or after the commencement of this Act, the State Government may terminate any such agreement at any time for breach, by the purchaser, of any of the terms and conditions of the agreement, as amended from time to time, after giving him a reasonable opportunity to show cause why the agreement should not be terminated and after giving him a notice of one month for such termination.

(2) The decision of the State Government in such cases shall be final.

6. Purchaser may terminate agreement after giving one month's notice.—If any amendment made in the terms and conditions of an agreement under section 3, or any revision made in the price or rate for sale or supply of forest-produce under that section, is not acceptable to the purchaser, he may, at his option, by giving to the State Government one month's notice in writing, within a period of six months from the date on which the amendment in the terms and conditions or the revision in the price or rate, as the case may be, is communicated to him, terminate the agreement, and accordingly the agreement shall stand terminated at the end of the notice period.

7. Power to make rules.—(1) The State Government may, subject to the condition of previous publication and by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely:—

(a) for giving notice of the amendment proposed to be made in the agreement or of any revision of price or rate proposed to be made under section 3 and for affording the purchaser an opportunity of showing cause against the proposal;

(b) the principles on which, the manner in which, and the authority by which, the market value shall be determined for the purposes of section 4.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of

such notification have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

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**THE MAHARASHTRA APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1983**

The following Act of the Maharashtra Legislature having been assented to by the Governor on the 26th March, 1983 was published in the Maharashtra Govt. Gazette, Part IV, dated March 28, 1983.

MAHARASHTRA ACT NO. XVII OF 1983

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the services of a part of the financial year 1983-84.

Whereas, it is expedient to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the services of a part of the financial year 1983-84; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Appropriation (Vote on Account) Act, 1983.

(Text Omitted)

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**THE MAHARASHTRA TEXTILE COMPANIES (ACQUISITION
AND TRANSFER OF UNDERTAKINGS) ACT, 1982**

The following Act of the Maharashtra Legislature, having been assented to by the President on the 13th October, 1982 was published in the Maharashtra Govt. Gazette, Part IV, dated December 30, 1982.

MAHARASHTRA ACT NO XXXIII OF 1982

An Act to provide for the acquisition of undertakings of two textile companies for the purpose of ensuring continued and increased production of goods essential to the needs of the country and for matters connected therewith or incidental thereto.

Whereas Messrs. Vijay Manufacturing Company (Private) Limited, Badnera, and Messrs. Western India Spinning and Manufacturing Company Limited, Bombay, owning industrial undertakings were engaged in production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951.) i.e. textiles;

And whereas the companies are being wound up under the supervision of the Bombay High Court and the business of these companies is not being continued ;

And whereas the management of the industrial undertakings of the two companies had been taken over by the Maharashtra State Textile Corporation Limited, Bombay, on behalf of the Government of India, under section 18FA of the said Act;

And whereas it is expedient to acquire the said undertakings for ensuring continued production of goods essential to the needs of State and the country and to provide for matters connected therewith, or incidental thereto ;

And whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for the purpose aforesaid ; and, therefore, promulgated the Maharashtra Textile Companies (Acquisition and Transfer of Undertakings) Ordinance, 1982 (Mah. Ord. XII of 1982), on the 24th August 1982 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Textile Companies (Acquisition and Transfer of Undertakings) Act, 1982.

(2) It shall be deemed to have come into force on the 24th day of August 1982.

2. *Definitions* —In this Act, unless the context otherwise requires, —

(a) “appointed day” means the date on which this Act comes into force;

(b) “Company” or textile Company” means Messrs. Vijay Manufacturing Company (Private) Limited, Badnera, or, as the case may be, Messrs. Western India Spinning and Manufacturing Company Limited, Bombay, being companies as defined in the Companies Act, 1956 (1 of 1956), and having registered offices in the State of Maharashtra;

(c) “Corporation” or “State Textile Corporation” means the Maharashtra State Textile Corporation Limited, Bombay, a Company incorporated and registered under the Companies Act, 1956 (1 of 1956);

(d) “the Court” means the High Court of Judicature at Bombay ;

(e) “undertaking” means an industrial undertaking owned by the concerned textile Company ;

(f) words and expressions used herein and not defined in the Companies Act, 1956 (1 of 1956), shall have the meanings respectively assigned to them in that Act.

3. *Acquisition and transfer of rights of textile Companies in respect of their undertakings* —(1) On the appointed day the undertakings of both the textile companies and the right, title and interest of the concerned Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and shall vest absolutely in, the State Government.

(2) Every undertaking which stands vested in the State Government by virtue of sub-section (1) shall, immediately after it has so vested, stand transferred to, and vested in, the State Textile Corporation.

4. *General effect of vesting.*—(1) The undertakings of each of two textile companies shall be deemed to include all assets, rights, leaseholds, power, authorities and privileges and all property movable and immovable, including cash on hand, reserve funds, investments and all other rights and interests in or arising out of such property as were immediately before the appointed day in the ownership, possession,

power or control of the Company concerned in relation to its undertakings, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto

Explanation—For avoidance of doubt, it is hereby declared that the expression "undertakings of the Company" does not include,—

- (a) any debts due to the Company; and
- (b) any amounts recoverable by the Company from its shareholders or directors.

(2) All property included as aforesaid in the undertakings, which have vested in the State Textile Corporation under section 3 shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other incumbrances affecting it, and any attachment, injunction or any decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertakings of either of the two Companies is pending by or against that Company, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the Company or anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Company concerned.

5. Duty to deliver possession of undertakings and documents relating thereto.—(1) Notwithstanding any judgment, decree or order of any court or anything contained in any other law for the time being in force, the Official Liquidator of the Company or any other person, in whose possession or custody or under whose control the undertakings of any Company or any part thereof may be, shall deliver possession of the undertakings of the Company or such part thereof as may be in his possession, custody or control to the State Textile Corporation forthwith.

(2) The Official Liquidator or any other person who has, on the appointed day, in his possession or his custody or control any books, documents or other papers relating to the undertakings of any Company, which have vested, in the Corporation, shall be liable to account for the said books, documents or other papers to the Corporation or to such person as the Corporation may specify in this behalf.

(3) The Corporation may take, or cause to be taken, all necessary steps for securing possession of the undertakings, which have vested in it

6. Duty to furnish particulars.—(1) Each Company shall, within such period as the State Textile Corporation may allow in this behalf, furnish to the Corporation a complete inventory of all the properties and assets of the Company as on the appointed day, pertaining to the undertakings, which have vested in the Corporation.

(2) So much of the obligation of the Company under sub-section (1) as relates to the properties and assets of the Company in the possession, custody or control of any person other than the Official Liquidator shall be discharged by him and so much of that obligation as relates to the properties and assets in the possession, custody, or control of the Official Liquidator shall be discharged by the Official Liquidator.

7. *Shares to be issued by State Textile Corporation for the value of assets transferred to it by State Government*—An amount equal to the value of assets of the undertakings of each Company transferred to and vested in the State Textile Corporation under sub-section (2) of section 3, shall be deemed to be the contribution made by the State Government to the equity capital of the Corporation; and for the contribution so made, the Corporation shall issue (if necessary after altering its memorandum and articles of association) to the State Government paid-up shares, in its equity capital, having a face value equal to the amount paid by the State Government as the amount for the acquisition of the said undertakings of the company concerned.

8. *Payment of amount for acquisition.*—(1) The State Government shall deposit, in cash, in the Court, to the credit of Messrs. Vijay Manufacturing Company (Private) Limited, Badnera, an amount equal to the sum of rupees twenty lakhs (Rs. 20 lakhs) for the transfer to, and vesting in, the State Government, under sub-section (1) of section 3, of the undertaking of the said Company.

(2) The State Government shall likewise deposit, in cash, in the Court, to the credit of Messrs. Western India Spinning and Manufacturing Company Limited, Bombay, an amount equal to the sum of rupees one hundred twenty lakhs (Rs. 120 lakhs) for the transfer to, and vesting in, the State Government, under sub-section (1) of section 3 of the undertakings of the said Company.

(3) For the avoidance of doubt, it is hereby declared that the liabilities of each of the two textile Companies in relation to its undertakings, which have vested in the State Government shall be met from the amount referred to in sub-section (1) or sub-section (2), as the case may be.

(4) In meeting the liabilities of each of the two textile Companies in relation to its undertakings, which have vested in the State Government, the Court shall distribute the amount referred to in sub-section (1) or sub-section (2) as the case may be amongst the creditors of the concerned Company whether secured or unsecured, in accordance with their rights and interests, and if there is any surplus left after such distribution, amongst the contributors of the said Company in accordance with the rights and interests of such contributors.

9. *Management and administration of undertakings.*—The undertakings, which have vested in the State Textile Corporation under sub-section (2) of section 3 shall be managed on behalf of the Corporation by such person or body of persons (including one or more Government companies, whether in existence at the commencement of this Act or incorporated thereafter) as may be nominated by the Corporation in this behalf, and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Corporation in this behalf, with the previous approval of the State Government.

10. *Employment of certain employees of companies to continue under Corporation*—(1) Every person, who has been, immediately before the appointed day, employed in any undertaking of either of the

two textile Companies shall become, on and from the appointed day, an employee of the State Textile Corporation, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if the rights in relation to the undertaking had not been transferred to and vested in, the Corporation and shall continue to do so unless and until his employment in the Corporation is duly terminated or until his remuneration and other conditions of service are duly altered by the Corporation.

(2) Notwithstanding anything contained in sub-section (1), any liability accruing or arising as a result of continuance of any employee of a Company in the service of the Corporation under this section, shall be borne by the Corporation only in respect of any period on and after the date of taking over of the management of the undertaking under section 18FA of the Industries (Development and Regulation) Act, 1951 (LXV of 1951).

11. *Penalties.*—(1) Any person who—

(a) having in his possession, custoday or control of any property forming part of the undertakings of any textile company, wrongfully withholds such property from the State Textile Corporation;

(b) wrongfully obtains possession of any property forming part of the undertakings of any textile Company which have vested in the Corporation under this Act; or

(c) wilfully withholds or fails to furnish to the Corporation as required by sub-section (2) of section 5 any document which may be in his possession, custoday or control; or

(d) wilfully fails to furnish an inventory as required under section 6; or

(e) when required to furnish such inventory, furnishes any particulars therein which are false and which he either knows or believes to be false or does not believe to be true,

shall, on conviction, be punished with imprisonment for a term which may extend of two years, or with fine, or with both:

Provided that the Court trying any offence under clause (a) or clause (b) or clause (c) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the Court any property wrongfully withheld or wrongfully obtained or any document wilfully withheld or not furnished.

(2) No Court shall take cognizance of any offence punishable under this section except with the previous sanction of the State Government or of an officer authorised by that Government in this behalf.

12. *Offences by companies*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section, (a) ‘company’ means any body corporate and includes a firm or other association of individuals, and (b) ‘director’, in relation to a firm, means a partner in the firm.

13. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or the State Textile Corporation, or an officer or other employee of the State Government or the Corporation, serving in connection with the affair of the undertaking of any textile Company for anything which is in good faith done or intended to be done under this Act.

14. *Power to remove difficulties.*—If any difficulty arises, in giving effect to the provisions of this Act, the State Government may as occasion arises order, do anything, which appear to it to be necessary to remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed date.

15. *Repeal and saving*—(1) The Maharashtra Textile Companies (Acquisition and Transfer of Undertakings) Ordinance, 1982 (Mah. Ord. XII of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any regulation made or any order issued) under the said Ordinance shall be deemed to have been done, taken, made or issued, as the case may be, under the corresponding provisions of this Act.

THE BOMBAY UNIVERSITY (AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Govt. Gazette, Extraordinary, Part IV, dated January 14, 1983.

MAHARASHTRA ORDINANCE NO. I OF 1983

An ordinance further to amend the Bombay University Act, 1974.

(Text omitted as the Ordinance is replaced by Maharashtra Act XVIII of 1983 printed below).

THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1983

The following Act of the Maharashtra Legislature received the assent of the Governor on the 6th April, 1983, and was published in the Maharashtra Government Gazette, Extraordinary, Part IV dated April 7, 1983.

MAHARASHTRA ACT NO. XVIII OF 1983

An Act further to amend the Bombay University Act, 1974.

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay University Act, 1974,

(Mah. XXII of 1974) for the purpose hereinafter appearing; and, therefore, promulgated the Bombay University (Amendment) Ordinance, 1983, (Mah. Ord. I of 1983) on the 14th January, 1983;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay University (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force on the 14th January, 1983.

2. *Insertion of section 13A in Mah. XXII of 1974.*—After section 13 of the Bombay University Act, (1974 Mah. XXII of 1974.) (herein after referred to as “the principal Act”) the following section shall be inserted, namely:—

“13A. *Officer on Special Duty for examinations and his powers*—() The Chancellor may from time to time, create the post of an Officer on Special Duty and appoint an officer not below the rank of Deputy Secretary to Government, to be the Officer on Special Duty, for such period, and on such terms and conditions, as he may determine.

(2) During the period for which the officer on Special Duty is appointed, he shall ensure, under the Control and direction of the Vice-Chancellor the proper organisation and conduct of examinations and other tests and the declaration of their results.

(3) The Officer on Special Duty shall be the Member-Secretary of all Committees constituted for any matters connected with the examinations.

(4) Notwithstanding anything contained in this Act for the purposes of performance of his duties and discharge of his functions, the Officer on Special Duty shall be competent to exercise all the powers of the Registrar, and also the powers of the Executive Council to take disciplinary action against all persons concerned or connected with any examinations and to exercise such other powers as are required for the purposes aforesaid or are delegated to him by the Vice-Chancellor.”

3. *Repeal of Mah Ord I of 1983 and saving.*—(1) The Bombay University (Amendment) Ordinance 1983 (Mah. Ord. I of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (AMENDMENT AND CONTINUANCE) ORDINANCE, 1983.

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 17th January, 1983.

MAHARASHTRA ORDINANCE No. II OF 1983

AN ORDINANCE further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

(Text omitted, as the Ordinance is replaced by Maharashtra Act, No. XIX of 1983 printed below.)

**THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT
SAMITIS (AMENDMENT AND CONTINUANCE) ACT, 1983**

The following Act of the Maharashtra Legislature received the assent of the Governor on the 6th April, 1983, and was published in the Maharashtra Government Gazette, Extraordinary Part IV, dated April 7 1983.

MAHARASHTRA ACT NO. XIX OF 1983

An Act further to amend the Maharashtra Zila Parishads and Panchayat Samitis Act, 1961.

Whereas, both Houses of the State Legislature were not in session and the Governor of Maharashtra promulgated the Maharashtra Zila Parishads and Panchayat Samitis (Second Amendment) Ordinance, 1982, (Mah. Ord XVIII of 1982) on the 29th November 1982 (hereinafter referred to as "the said Ordinance");

And whereas, thereafter the State Legislature had reassembled on the 13th December 1982 and both the Houses were prorogued on the 24th December 1982 ;

And whereas, when the State Legislature had reassembled on the 13th December, 1982 and the said Ordinance had not been replaced by an Act of the State Legislature during the sessions of both Houses which were prorogued on the 24th December 1982, the said Ordinance would have ceased to operate after the 23rd January 1983 ;

And Whereas, both Houses of the State Legislature were not in session then, and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, with suitable modifications; and, therefore, promulgated the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment and Continuance) Ordinance, 1983 (Mah. Ord II of 1983) on the 17 January 1983 ;

And whereas, it is expedient to replace the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment and Continuance) Ordinance, 1983, (Mah. Ord II of 1983.) by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called the **Maharashtra Zilla Parishads and Panchayat Samitis (Amendment and Continuance) Act, 1983.**

(2) It shall be deemed to have come into force on the 12th October, 1982.

2. *Amendment of section 41 of Mah. V of 1962.*—In section 41 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962.) (hereinafter referred to as "the principal Act"), in the third proviso, for the portion beginning with the words "having regard to the monsoon season," and ending with the words "be deemed to be cancelled," the following shall be substituted, namely :—

"having regard to the monsoon season and the widespread scarcity conditions prevailing in most parts of the State, on account of which the Collectors and other officers are required to direct all efforts towards scarcity relief works, and the rabi crop campaign of Government for such period (not extending beyond the 30th June 1983) as the State

Government may, by notification in in the Official Gazette, at the appropriate time specify in this behalf ; during which critical period it would also be inconvenient to the people in general to have such elections. After the expiry of such period, the Collectors and other officers concerned shall fix suitable dates for all stages of such elections and complete the elections. Any steps taken for any such by-election, which was not completed before the 12th October 1982, shall be deemed to be cancelled."

3. *Amendment of section 63 of Mah. V of 1962*—In section 63 of the principal Act, in the third proviso, for the portion beginning with the words "and regard to the monsoon season" and ending with the words "be deemed to be cancelled," the following shall be substituted, namely :—

"having regard to the monsoon season and the widespread scarcity conditions prevailing in most parts of the State, on account of which the officers concerned are required to direct all efforts towards scarcity relief works, and the rabi crop campaign of Government, for such period (not extending beyond the 30th June 1983) as the State Government may, by notification in the Official Gazette, at the appropriate time specify in this behalf ; during which critical period it would also be inconvenient to the people in general to have such elections. After the expiry of such period, the officers concerned shall fix suitable dates for all stages of such elections and complete the elections. Any steps taken for any such by election, which was not completed before the 12th October 1982 shall be deemed to be cancelled."

4. *Repeal of Mah. Ord. II of 1983 and saving.*—(1) The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment and Continuance) Ordinance, 1983 (Mah. Ord. II of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any Notification issued) under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done, taken or issued, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (AMENDMENT) ACT, 1983.

The following Act of the Maharashtra Legislature received the assent of the Governor on the 22nd April, 1983, and was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated April 22, 1983.

MAHARASHTRA ACT NO. XXV OF 1983

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) for the purposes hereinafter appearing; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the **Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1983.**

2. *Amendment of section 253B of Mah. V of 1962.*—In section¹ 253B of the Maharashtra Zilla Parishads and Panchayat Samitis

Act, 1961 (Mah. V of 1962) (hereinafter referred to as "the principal Act"), in sub-section (1), in the proviso, in clause (a), for the words "twenty-one years" the words "twenty-three years" shall be substituted.

3. *Amendment of section 253C of Mah. V of 1962.*—(1) In section 253C of the principal Act, in sub-section (1), for the words "twenty-one years" the words "twenty-three years" shall be substituted.

(2) Nothing in sub-section (1) shall be deemed to affect the allotment made or retirement permitted in pursuance of the provisions of section 253C of the principal Act, at any time before the commencement of this Act.

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**THE MAHARASHTRA DRINKING WATER SUPPLY
REQUISITION ORDINANCE, 1983**

The following Ordinance was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated February 26, 1983.

MAHARASHTRA ORDINANCE NO. V OF 1983

An Ordinance to provide for requisitioning of water supply during scarcity for drinking purposes from any wells, tanks and other storages of water.

(Text omitted as replaced by Maharashtra Act No. XX of 1983, printed below)

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**THE MAHARASHTRA DRINKING WATER SUPPLY
REQUISITION ACT, 1983**

The following Act of the Maharashtra Legislature received the assent of the President on the 13th April, 1983, and was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated April 15, 1983.

MAHARASHTRA ACT NO. XX OF 1983

An Act to provide for requisitioning of water supply during scarcity for drinking purposes from any wells, tanks and storages of water.

Whereas, both the Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law to provide for requisitioning of water supply during scarcity for drinking purposes from any wells, tanks or other storages of water and to provide for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Drinking Water Supply Requisition Ordinance, 1983 on the 26th February 1983 (Mah. Ord. V of 1983);

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called the **Maharashtra Drinking Water Supply Requisition Act, 1983.**

(2) It shall be deemed to have come into force on the 26th February 1983.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "owner of a well" includes the person in actual possession of the well ;

(b) "well" includes a bore-well or a tank or any other storage of water.

3. *During scarcity, power to order supply of water to public for drinking purposes from any well.*—(1) If the Collector or an officer authorised by the Collector (hereinafter referred to as "the requisitioning authority"), after making such inquiry as he deems fit, is satisfied that due to scarcity of drinking water in any local area, it is necessary or expedient that the water in any well on any land under the irrigation command of a canal, or on any other land which is used for irrigation or any other purposes whatsoever, shall be temporarily utilised, wholly or partially, by the public for drinking purposes, the requisitioning authority shall, from time to time, by order in writing require the owner of the well to supply or cause to be supplied to the requisitioning authority or its agents or such other persons or classes of persons, or to allow them to draw or lift, such quantities of water, from such date, during such hours and such periods and in such manner, as may be specified in the order.

(2) Any order made under this section may, from time to time, be amended by the requisitioning authority, and may be cancelled by it at any time

(3) (a) Any order made under this section shall if the owner of the well is an individual person, be served or caused to be served on that person—

(i) personally, by delivering or tendering to him the order, or

(ii) where the person cannot be found, by leaving an authentic copy of the order with some adult member of his family; or

(iii) by post.

In the case of an order affecting a corporation or a firm, it shall be served in the manner for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908).

(b) The order shall also be given wide publicity in the local area by the requisitioning authority in such manner, which the authority considers best calculated to bring it to the notice of the persons who would be able to get water made available to them under the order, free of charge.

(4) Any person who refuses to comply with or contravenes any order made under this section as in force for the time being, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. *Guidelines for making order to supply water from any well* — For the purposes of making any order under section 3, the requisitioning authority shall take into consideration the total water supply available or likely to be available in the well during a certain period, the minimum requirement of the owner during the period for his personal use for drinking, and the quantity of water which can reasonably be released for distribution to the persons residing in the local area, where there is scarcity of drinking water.

5. *Power to obtain information and enter any land for determining whether water should be supplied from any well.*—(1) The requisitioning authority may, with a view to determining whether an order may be made or continued under section 3, direct the owner of any well to furnish to the requisitioning authority such information in his possession relating to the land on which the well exists and regarding the availability of water supply therefrom and the purposes for and extent to which it is being used by him during the last few years, as may be specified in the direction. The information shall be furnished within such time as may be specified in the order.

(2) The requisitioning authority, after giving reasonable notice to the owner of any well, may enter upon any such land, with such assistants and workmen as may be necessary, and carry on inspection and survey with a view to determining whether an order under section 3 may be made or continued and in what manner and subject to which conditions such order should be made or continued. For this purpose, the requisitioning authority may ask the owner to be present at the time of such inspection and survey and ask any person who is present all necessary questions, may make use of any apparatus or machinery belonging to the owner and may do all other acts necessary to collect the required information.

(3) Whoever refuses to comply with or contravenes any direction issued under this section or obstructs the lawful exercise of any powers conferred by this section on the requisitioning authority or its assistants or workmen shall, on conviction, be punished with fine which may extend to one thousand rupees.

6. *When order is made for supply of water, right to enter land for obtaining such supply.*—(1) Whenever an order is made under section 3 for supply of water from any well, the requisitioning authority and any persons authorised by it in this behalf shall have a right to enter upon the land at all reasonable hours for the purpose of supervising and regulating the obtaining and distributing the sanctioned water supply regularly or for any other work connected with such supply, and the persons or classes of persons specified by the requisitioning authority shall, subject to such conditions as may be imposed by the requisitioning authority, be deemed to be authorised to have right of way through adjoining lands, and to enter upon the land where the well exists, during the specified hours, to make use of any apparatus or machinery belonging to the owner or the requisitioning authority for drawing or lifting water, and to receive the quantity of water sanctioned for them by the requisitioning authority, from time to time.

(2) Any person who receives or is authorised to receive any quantity of water under this Act and refuses to comply with or contravenes any provision of this Act, or the rules made thereunder, or of any conditions imposed thereunder, shall, on conviction, be punished with fine which may extend to one hundred rupees.

7. *When order is made for supply of water powers to provide apparatus or machinery or waterpipes.*—(1) When an order is made under section 3 for supply of water from any well, it shall be lawful for

the requisitioning authority and any persons authorised by it in this behalf to fix any apparatus or machinery, on or near the well, for drawing or lifting or measuring water and, after giving reasonable notice to the owners or occupiers of the lands concerned of its intention so to do, to enter upon the lands and execute all the necessary works for laying water-pipes through, across or under such lands for carrying water from the well to the distribution centre or centres selected by the requisitioning authority and for repairing or replacing such apparatus, machinery or water-pipes, from time to time.

(2) In executing any work under this section as little damage as can be shall be done, and—

- (a) the work shall be executed with the least practicable delay ;
- (b) the ground or portion of any construction which may have been opened, broken up or removed for the purpose of executing the work shall be filled in, reinstated and made good by the requisitioning authority, with the least practicable delay ;
- (c) any owner or occupier of any land, who claims and proves to the satisfaction of the requisitioning authority that he has sustained any substantial damage by the execution of the work, shall be paid such amount as the requisitioning authority may by order determine.

(3) Any person who is aggrieved by the order made by the requisitioning authority under clause (c) of sub-section (2) may, within a period of thirty days from the date of receipt of the order by him, appeal to the Collector if the order is made by any requisitioning authority other than the Collector, and to the Commissioner if the order is made by the Collector, and the provisions of section 9 shall, *mutatis mutandis*, apply to such appeal.

(4) Whoever obstructs the lawful exercise of any powers conferred under this section on the requisitioning authority or the persons authorised by it, shall, on conviction, be punished with fine which may extend to one thousand rupees.

8. *Amount payable to owner for utilisation of water from his well.*—When an order is made under section 3 for obtaining supply of water from any well, the owner, who complies with the order,—

(a) shall be paid such amount as may be fixed by agreement between the owner and the requisitioning authority, which shall not exceed five rupees per day, if there is no provision of any apparatus or machinery made by him for drawing or lifting water from the well and shall not exceed ten rupees per day, if the owner himself provides any apparatus or machinery for drawing or lifting water from the well ; or

(b) shall be paid an amount at the rate of twenty-five paise for every 150 litres supplied, or per person who obtains water supply, not exceeding 150 litres at a time, from the well, if there is no provision of any apparatus or machinery made by him for drawing or lifting water from the well, and at the rate of fifty paise for every 150 litres supplied or per person for such supply not exceeding 150 litres at a time, if the owner himself provides any apparatus or machinery for drawing water from the well.

9. *Appeals.*—(1) When an order is made under section 3 requiring any owner of a well to supply such quantities of water from his well,

during such hours and during such periods, as may be specified in the order, the owner, who is aggrieved by any of these matters in the order may, within a period of thirty days from the date of receipt of the order by him, appeal to the Collector if the order is made by any requisitioning authority other than the Collector, and to the Commissioner if the order is made by the Collector. On receipt of such appeal, the appellate authority shall, after giving a reasonable opportunity to the appellant of being heard, pass such order as it may think fit. Every order made by the appellate authority shall be final and shall not be called in question in any Court.

(2) Save as otherwise provided in sub-section (1), every order made and every direction issued under this Act shall be final and shall not be called in question in any Court.

10. *Protection of action taken under Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything, which is in good faith done or intended to be done under this Act or in pursuance of any order made or direction issued under this Act.

(2) No suit or other legal proceeding shall lie against the State Government or any officer of the State Government or any requisitioning authority for any damage caused or likely to be caused by anything, which is in good faith done or in pursuance of any order made or direction issued under this Act.

11. *Power to make rules.*—(1) Subject to the condition of previous publication, the State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) provide for registration of names and addresses of persons, or for issuing passes or tickets to persons who desire to obtain water supply ;

(b) determining the quantity of water which may be obtained by each person or by each family for themselves and if possible for their cattle ;

(c) specifying the hours during which water supply may be obtained ;

(d) prescribing the conditions to be observed by persons obtaining water supply and by the owners of wells from which such supply is obtained ;

(e) prescribing the records to be maintained by the requisitioning authority and the owners of wells ;

(f) the manner of deciding and making payments to the owners of wells for water supply obtained from their wells ;

(g) any other matters connected with obtaining and distributing water supply for the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and, if, before the expiry of

the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

12. *Exemptions.*—This Act shall not apply to any wells belonging to or in possession of the Government or a local authority or a public trust exclusively for a religious purpose.

13. *Repeal of Mah. Ord V of 1983 and saving.*—(1) The Maharashtra Drinking Water Supply Requisition Ordinance, 1983 (Mah. Ord. V of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

14. *Removal of difficulties*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by order, do anything, which appears it to be necessary or expedient to remove the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act,

THE MAHARASHTRA VACANT LANDS (FURTHER INTERIM PROTECTION TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS OF RENT) (EXTENSION OF DURATION) ACT, 1983

The following Act of the Maharashtra Legislature received the assent of the President on the 13th April, 1983, and was published in the 15, 1983.

Maharashtra Government Gazette, Extraordinary, Part IV, dated April
MAHARASHTRA ACT NO. XXI OF 1983

An Act to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980.

Whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980, (Mah XVI of 1980) for the purpose hereinafter appearing ; and, therefore, promulgated the Maharashtra Vacant Lands (Further Interim Protection to occupiers from Eviction and Recovery of Arrears of Rent) (Extension of Duration) Ordinance, 1983 on the 5th March 1983 (Mah. Ord. VI of 1983) ;

And whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Extension of Duration) Act, 1983.

(2) It shall be deemed to have come into force on the 5th March, 1983.

2. *Amendment of section 1 of Mah. XVI of 1980.*—In section 1 of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (Mah. XVI of 1980 (hereinafter referred to as "the principal Act") in sub-section (3), for the words, figures and letters "the 31st March 1983" the words, figures and letters "the 30th September 1983" shall be substituted.

3. *Repeal of Mah. Ord. VI of 1983 and saving.*—(1) The Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Extension of Duration) Ordinance, 1983, (Mah. Ord. VI of 1983) is, hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA FOREST DEVELOPMENT (TAX ON SALE OF FOREST-PRODUCE BY GOVERNMENT OR FOREST DEVELOPMENT CORPORATION) CONTINUANCE) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Govt. Gazette, Extraordinary Part IV, dated January 17, 1983.

MAHARASHTRA ORDINANCE NO III OF 1983

An Ordinance to levy and collect forest development tax on sales of forest-produce by or on behalf of the State Government or the Forest Development Corporation.

(Text omitted as the Ordinance is replaced by Maharashtra Act XXII of 1983.

THE MAHARASHTRA FOREST DEVELOPMENT (TAX ON SALE OF FOREST-PRODUCE BY GOVERNMENT OR FOREST DEVELOPMENT CORPORATION (CONTINUANCE) ACT, 1983

The following Act of the Maharashtra Legislature received the assent of the Governor on the 15th April, 1983, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated April 15, 1983.

MAHARASHTRA ACT NO XXI OF 1983

An Act to levy and collect forest development tax on sales of forest produce by or on behalf of the State Government or the Forest Development Corporation.

Whereas both Houses of the State Legislature were not in session and the Governor of Maharashtra promulgated the Maharashtra Forest

Development (Tax on sale of forest-produce by Government or Forest Development Corporation) Ordinance, 1982 (Mah. Ord. XX of 1982) on the 4th December 1982 (hereinafter referred to as "the said Ordinance") ;

And Whereas thereafter the State Legislature reassembled on the 13th December 1982 ;

And Whereas the Maharashtra Forest Development (Tax on sale of forest-produce by Government or Forest Development Corporation) Bill, 1982 (L. A. Bill No. LVIII of 1982), for converting the said Ordinance, with certain modifications, into an Act of the Legislature, was introduced in the Maharashtra Legislative Assembly on the 16th December 1982, but was not passed in that session, which was prorogued on the 24th December 1982 ;

And Whereas when the State Legislature had reassembled on the 13th December 1982 and the said Ordinance had not been replaced by an Act of the State Legislature, the said Ordinance would have ceased to operate after the 23rd January 1983 ;

And Whereas both Houses of the State Legislature were not in session then, and the Governor of Maharashtra was satisfied that circumstances still existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, with the modifications proposed to be made by L. A. Bill No. LVIII of 1982 referred to above ; and, therefore, promulgated the Maharashtra Forest Development (Tax on sale of forest-produce by Government or Forest Development Corporation) (Continuance) Ordinance, 1983, on the 17th January 1983 (Mah. Ord. III of 1983).

And Whereas it is expedient to replace the Maharashtra Forest Development (Tax on sale of forest-produce by Government or Forest Development Corporation) (Continuance) Ordinance, 1983 (Mah. Ord. III of 1983) by an Act of the State Legislature ; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title extent and commencement.*—(1) This Act may be called the **Maharashtra Forest Development (Tax on sale of forest-produce by Government or Forest Development Corporation) (Continuance) Act 1983**

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 7th December 1982.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Appellate Authority", where the Recovery Officer is the Forest Officer or the officer of the Forest Development Corporation, means the officer of the Forest Department or of the Forest Development Corporation, as the case may be, immediately superior to the Recovery Officer, and where the Recovery Officer is the officer of a co-operative society, means the Divisional Forest Officer, or the Sub-Divisional Forest Officer in-charge of an independent Forest Sub-Division, as the case may be, within whose territorial jurisdiction the sale takes place. If any question arises as to who is the Appellate

Authority, in respect of any sale, the same shall be referred to and decided by the Chief Conservator of Forests and his decision shall be final ;

(b) "co-operative society" means a co-operative society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 (Mah XXIV of 1961.)

(c) "Forest Development Corporation" means the Forest Development Corporation of Maharashtra Limited, being a private company within the meaning of the Companies Act, 1956 (I of 1961), and having its registered office in Nagpur in the State of Maharashtra ;

(d) "forest-produce" means forest-produce as defined in the Indian Forest Act 1927 (XVI of 1927) in its application to the State of Maharashtra ;

(e) "Recovery Officer", in relation to any sale of forest-produce, means the Forest Officer, or the officer of the Forest Development Corporation, or the officer of co-operative society, as the case may be, by whom the sale is effected, and if any question arises as to who is the Recovery Officer in respect of the sale, the same shall be referred to and decided by the Chief Conservator of Forests and his decision shall be final ;

(f) "sale" or "sale of forest-produce" means any sale of forest-produce by or on behalf of the State Government or the Forest Development Corporation, for cash or deferred payment or other valuable consideration, whether described as sale price, purchase price, or royalty, and includes any such of forest-produce by a co-operative society on behalf of the State Government or the Forest Development Corporation ;

(g) "sale price" means the amount of valuable consideration, whether described as sale price, purchase price or royalty, paid or payable by any purchaser for sale of any forest-produce to him ; and the words "sell" and "purchase", with all their grammatical variations and cognate expressions, shall be construed accordingly ;

(h) "tax" means the forest development tax on the sale of any forest-produce by or on behalf of the State Government or the Forest Development Corporation levied and collected under this Act ;

(i) words and expressions used in this Act, but not defined herein, shall have the meanings assigned to them in the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra or in the Maharashtra Co-operative Societies Act, 1960. (Mah. XXIV of 1961.) as the case may require

3. *Levy and collection of tax.*—(1) Subject to the provisions of this Act, on and after the 7th December 1982 there shall be levied and collected by the State Government the tax on every sale of forest-produce from the purchaser, at the rate of five per cent of the sale price of such produce sold to him.

(2) Notwithstanding anything contained in sub-section (1), where any sale is effected before the 7th December 1982, and under the terms and conditions of such sale price is payable on or after the said date, no

tax under this Act shall be levied and collected on the whole or part of the sale price so payable.

(3) It is hereby declared that the tax levied and payable under this Act shall be in addition to, and not in lieu of tax levied and payable in respect of the sale or purchase of the same forest-produce under the Bombay Sales Tax Act, 1959 (Bombay LI of 1959.) or any other law for the time being in force.

4. *Recovery of tax through Recovery Officer.*—The amount of tax leviable under section 3 on the sale of any forest-produce shall be collected by the Recovery Officer effecting the sale from the purchaser along with the sale price :

Provided that, where the sale price is payable in two or more instalments, the amount of tax shall also be recovered in instalments, in proportion to, and along with, the instalments of the sale price.

5. *Appeal against amount of tax.*—(1) Any person aggrieved by an order made by the Recovery Officer determining the amount of tax due from him or aggrieved by any other order made by the Recovery Officer, may, within thirty days from the date of receipt of intimation of any such order, appeal to the Appellate Authority. The Appellate Authority, on receipt of any such appeal, shall give a reasonable opportunity of being heard to the appellant and decide the matter.

(2) Any order made by the Recovery Officer, subject to an appeal to the Appellate Authority, and the decision of the Appellate Authority on any such appeal, shall be final.

6. *Utilisation of proceeds of tax*—The proceeds of the tax levied and collected under this Act shall first be credited to the Consolidated Fund of the State, and thereafter, after deducting from the proceeds such sum as the State Government may determine as expenses of collection, the remaining amount shall, under appropriation duly made by law in this behalf, be placed at the disposal of the Forest Department each year as additional budgetary resources to be expended only for forest plantations or other ancillary purposes connected with forest development programmes and for the welfare of the people dwelling in the forests and the weaker sections of the people dependent on forest-produce for their livelihood.

7. *Exemptions from payment of tax.*—Subject to such conditions (if any) as it may impose, the State Government may, if it is necessary so to do in the public interest, by notification in the Official Gazette, exempt any specified class of sales from payment of the whole or any part of the tax payable under this Act, and such exemption shall take effect from the date of publication of the notification of the Official Gazette, or such other date as may be specified therein.

8. *Recovery of arrears of tax as arrears of land revenue.*—All arrears of tax due under this Act shall be recoverable by the Collector as arrears of land revenue.

9. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or the Forest Development Corporation or any co-operative society for anything which is in good faith done or intended to be done under this Act.

10. *Power to make rules.*—(1) Subject to the condition of previous publication, the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

11. *Sales by co-operative societies from 7th December 1982 to 16th January 1983.*—(1) For the removal of doubt, it is hereby declared that sales of any forest-produce by any co-operative society on behalf of the State Government or the Forest Development Corporation during the period from the 7th December 1982 to the 16th January 1983 (both inclusive) are also liable to tax under this Act, and any amounts of tax recovered for such sales shall be deemed to have been validly levied and collected. If any amount of tax for any such sale remains to be recovered on the 7th January 1983 (hereinafter in this section referred to as "the said date"), the purchaser shall pay to the officer who effected the sale such amount within a period of thirty days from the said date.

(2) Any person, who is aggrieved by any recovery of tax for sales referred to in sub-section (1), may, within thirty days from the said date or from the date of recovery, whichever is later, appeal to the Appellate Authority, and the provisions of section 5 shall, so far as may be, apply to any such appeal.

12. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by order, do anything, which appears to it to be necessary or expedient to remove the difficulty :

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

13. *Repeal of Mah. Ord. III of 1983 and saving.*—(1) The Maharashtra Forest Development (Tax on sale of forest-produce by Government or Forest Development Corporation) (Continuance) Ordinance 1983, (Mah. Ord. III of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

THE POLICE (INCITEMENT TO DISAFFECTION) (MAHARASHTRA AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated January 18, 1983.

MAHARASHTRA ORDINANCE NO. IV OF 1983

An Ordinance further to amend the Police (Incitement to Disaffection) Act, 1922, in its application to the State of Maharashtra.

(Text of Ordinance omitted as it is replaced by Maharashtra Act XXIII of 1983.

THE POLICE (INCITEMENT TO DISAFFECTION) MAHARASHTRA AMENDMENT) ACT, 1983

The following Act of the Maharashtra Legislature received the assent of the President on the 15th April, 1983, and was published in the Maharashtra Government Gazette, Part IV, dated April 16, 1983.

MAHARASHTRA ACT NO. XXIII OF 1983

An Act further to amend the Police (Incitement to Disaffection) Act, 1922 in its application to the State of Maharashtra.

Whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Police (Incitement to Disaffection) Act, 1922 (XXII of 1922), in its application to the State of Maharashtra, for the purposes hereinafter appearing, and therefore promulgated the Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance, 1983, (Mah. Ord. IV of 1983), on the 18th January, 1983.

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Police (Incitement to Disaffection) (Maharashtra Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 18th January, 1983.

STATEMENT

Recently, Government was unfortunately compelled to resort to action against certain policemen under Article 311 of the Constitution of India, because they were behaving in an indisciplined manner and in breach of the Articles of Association of the Maharashtra Police *Karmchari Sanghatana*. Government has taken action (a) to suspend the recognition of the *Sanghatana*, and (b) to dismiss some policemen under Article 311 of the Constitution of India.

2. Even then the possibility of causing considerable incitement to the loyal policemen by some unscrupulous elements, both from outside and within the constabulary, at any moment cannot be ruled out, and even the dismissed policemen are likely to become a source of incite-

ment to the loyal constabulary. It is not possible to take effective action against such persons under the existing provisions of the Police (Incitement to Disaffection) Act, 1922, since offences under this Act are non-cognisable and also bailable, and there is no provision for summary trial.

3. In order to enable Government to take effective and speedy action under the said Act, the following amendments are required to be made in the Act immediately :—

(i) Section 3 of the Act is to be amended to enhance the punishment for the offence of causing disaffection, etc., to imprisonment for a term not exceeding three years or fine not exceeding five thousand rupees or both, to make the offence cognisable and non-bailable and to prescribe a minimum punishment to be awarded by the Court.

(ii) Section 5 is to be amended to do away with the alternative of a complaint by the District Magistrate or the Commissioner of Police for the Court to proceed with the trial of the offence.

(iii) Section 6 is to be amended to provide that all or any offences under the Act may be tried in a summary way at the discretion of the Magistrate.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist, which render it necessary for him to take immediate action further to amend the Police (Incitement to Disaffection) Act, 1922, for the purposes aforesaid, this Ordinance is promulgated. [Vide statement published].

2. *Amendment of section 3 of Act XXII of 1922.*—(a) Section 3 of the Police (Incitement to Disaffection) Act, 1922, (XXII of 1922), in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”), shall be renumbered as sub-section (1) of that section and in sub-section (1) so renumbered, for the portion beginning with the words “shall be punished” and ending with the words “or with both.”, the following shall be substituted, namely :—

“shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine which may extend five thousand rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months and such fine shall not be less than five hundred rupees.”

(b) After sub-section (1) of the said section 3, the following sub-section shall be added, namely :—

“(2) All offences under this Act shall be cognisable and non-bailable.”

3. *Amendment of section 5 of Act XXII of 1922.*—In section 5 of the principal Act, the words “or on the complaint,” shall be deleted.

4. *Substitution of section 6 of Act XXII of 1922.*—For section 6 of the principal Act, the following section shall be substituted, namely :—

“5. *Trial of cases.*—(1) No Court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (II of 1974.) any Metropolitan Magistrate or any Judicial Magistrate of the first class may, if he thinks fit, try in a summary way all or any of the offences under this Act, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, so far as may be, apply to such trial :

Provided that where any case is tried summarily and the accused is convicted under this Act, no sentence of imprisonment for a term exceeding three months shall be passed by the Magistrate concerned and the provision for awarding punishment of minimum amount of fine under this Act shall not apply.”

5. *Repeal and saving.*—(1) The Police (Incitement to Disaffection) (Maharashtra Amendment) Ordinance, 1983 (Mah. Ord. IV of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued or rule made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken issued or made as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA APPROPRIATION ACT, 1983.

The following Act of the Maharashtra Legislature, having been assented to by the Governor, on the 22nd April 1983, was published in the Maharashtra Government Gazette, Extraordinary, dated 22nd April, 1983.

MAHARASHTRA ACT NO XXIV OF 1983.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the Services of the year ending on the thirty-first day of March 1984.

Whereas by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1984; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Maharashtra Appropriation Act, 1983.

(Text amended)

THE AMRAVATI UNIVERSITY ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated April 29, 1983.

MAHARASHTRA ORDINANCE NO. VII OF 1983.

An Ordinance to establish and incorporate the Amravati University. Whereas it is expedient to establish and incorporate a teaching and affiliated University at Amravati immediately, as a measure in the decentralisation and re-organisation of University Education in the State of Maharashtra ;

And whereas the Amravati University Bill, 1983 (L.A. Bill No. XX of 1983) was introduced for this purpose in the Maharashtra Legislative Assembly on the 21st April 1983 during the last session of the State Legislature, which was prorogued on the 22nd April 1983, but the said Bill was not passed in that session ;

And whereas both Houses of the State Legislature are not in session now, and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to have a special law to establish and incorporate the Amravati University containing the provisions included in the said L. A. Bill No. XX of 1983, with a few modifications ;

Now, therefore, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely ;—

CHAPTER I**PRELIMINARY**

1. *Short title and commencement.*—(1) This Ordinance may be called the **Amravati University Ordinance, 1983.**

(2) (a) The whole of this Ordinance, except sections 6, 10, 13 (1) to (4) (both inclusive), 15 to 17 (both inclusive), 20, 21, 23, 25, 27, 28, 30 to 36 (both inclusive), 37 to 41 (both inclusive), 42, 56, 57, 63, 66 to 77 (both inclusive), 83, 86, 89, 91 and 93 thereof, shall come into force on the 1st May 1983.

(b) All or any of the remaining provisions of this Ordinance shall come into force on such date, or on such different dates, as the State Government may, by notification in *Official Gazette*, appoint in this behalf.

(c) Any reference in any of the provisions of this Ordinance to the date of commencement of this Ordinance or to any other expression used for this purpose, shall be construed as a reference to the date on which such provisions have been brought into force under this subsection.

(Text. Omitted)

THE BOMBAY PUBLIC TRUSTS (AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, Dated May 17, 1983.

MAHARASHTRA ORDINANCE NO. IX OF 1983

An Ordinance further to amend the Bombay Public Trusts Act, 1950

Whereas both Houses of the State Legislature are not in session; And Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Public Trusts (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 3A of Bom. XXIX of 1950.*—(1) Section 3A of the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950, (hereinafter referred to as "the principal Act"), shall be renumbered as sub-section (1) of the said section 3A.

(2) In the said section 3A, after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

"(2) The State Government may, by general or special order, declare a Joint Charity Commissioner to be regional head to superintend, subject to the control of the Charity Commissioner, the administration in one or more regions or sub-regions, as may be specified in such order."

3. *Amendment of section 5 of Bom. XXIX of 1950.*—In section 5 of the principal Act, in sub-section (2A),

(1) in clause (a), for the portion beginning with the words "or any office" and ending with the words "not less than four years, or" the words "for not less than one year, or" shall be substituted;

(2) in clause (b), for the words "not less than seven years—" the words "not less than four years—" shall be substituted.

4. *Amendment of section 58 of Bom. XXIX of 1950.*—In section 58 of the principal Act, after sub-section (4), the following sub-section shall be added, namely:—

"(5) Notwithstanding anything contained in the foregoing provisions in this section, on and after the commencement of the Bombay Public Trusts (Amendment) Ordinance, 1983 (Mah. Ord. IX of 1983), every trustee of a public trust liable to pay contribution, shall, while filing a copy of the balance sheet and income and expenditure account under sub-section (1A) of section 34, pay in advance the whole amount of the annual contribution of the public trust computed at the rate fixed under sub-section (1) of this section, according to specified percentage of the gross annual income, or of the gross annual collection or receipt, as the case may be, as shown in the balance sheet and income and expenditure account, in such manner, and subject to such adjustments to be made after the contribution payable assessed, as may be prescribed."

STATEMENT

In order to meet the growing needs and demands of the Public Trusts in the State, it is found necessary to improve the administration of the Bombay Public Trusts Act, 1950, and to make the Act more effective, by undertaking certain amendments thereto immediately.

2. For these purposes, it has been decided firstly to reorganise the Charity organisation into 15 Regions as against the existing 7 Regions and to increase the number of office and staff proportionately. For having a closer supervision, it is decided to declare a Joint Charity Commissioner to be the administrative regional head of one or more Regions, subject to the control of the Charity Commissioner. Section 3A of the Act is being amended to achieve this object.

3. Due to re-organisation of the Charity organisation, some additional posts of Assistant Charity Commissioners will have to be created and filled in from time to time. In view of the high qualifications prescribed for the posts at present and the scale of pay offered, the past experience is that it is difficult to attract sufficient number of candidates for these posts, many of which will have to be filled in as soon as possible, by direct recruitment. It is, therefore, proposed to amend section 5 to lower the existing qualifications, so that a Civil Judge, with one year's standing, and an Advocate with four years' practice, would be eligible for these posts.

4. Under section 34(IA), the trustees of every trust, unless exempted, are required to submit its accounts annually to the Charity Commissioner. After the accounts are submitted, the action for assessing the contribution payable by the trust under section 58 and issuing a notice of demand and recovering the amount of contribution is taken by the Charity Commissioner. As this procedure takes time, the arrears of contribution go on increasing. After some time, the trustees themselves find it difficult to pay the accumulated arrears at a time. In order to avoid such delays and difficulties, it has been decided that the trustees should make advance payment of the estimated contribution, along with the accounts, and necessary adjustments or refunds may be made after assessment is completed by the Charity Commissioner. As the financial year of many trusts begins from April, it is expedient to introduce this new scheme of advance payment of the contribution with immediate effect. Section 58 is being amended to achieve this object.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist, which render it necessary for him to take immediate action further to amend the Bombay Public Trusts Act, 1950, for the purposes aforesaid, this Ordinance is promulgated.

IDRISH LATIF,

Governor of Maharashtra.

Dated the 14th May 1983.

**THE BOMBAY METROPOLITAN REGION DEVELOPMENT
AUTHORITY (AMENDMENT) ORDINANCE, 1983**

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated May 20, 1983.

MAHARASHTRA ORDINANCE NO. X OF 1983

An Ordinance further to amend the Bombay Metropolitan Region Development Authority Act, 1974.

Whereas both Houses of the State Legislature are not in session;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Metropolitan Region Development Authority Act, 1974, (Mah. IV of 1975) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983.**

(2) It shall come into force at once.

2. *Substitution of section 4 and 4A of Mah. IV of 1975.*—For sections 4 and 4A of the Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) (hereinafter referred to as “the principal Act”), the following sections shall be substituted, namely:—

“4. *Composition of Metropolitan Authority.*—(1) On and from the date of commencement of the Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983 (Mah. Ord. X of 1983) in place of the existing members, the Metropolitan Authority shall consist of the following members, namely:—

- (i) the Minister for Urban Development;
- (ii) the Minister for Housing;
- (iii) the Minister of State for Urban Development;
- (iv) the Mayor of Bombay;

(v) the Chairman, Standing Committee, Municipal Corporation of Greater Bombay;

(vi), (vii) and (viii) three Councillors of the Municipal Corporation of Greater Bombay, elected by the Corporation, the election being held by ballot according to the system of proportional representation by means of the single transferrable vote;

(ix) and (x) two members of the Maharashtra Legislative Assembly, representing constituencies falling wholly or partly, within the limits of the Bombay Metropolitan Region, to be nominated by the State Government;

(xi) one member of the Maharashtra Legislative Council, to be nominated by the State Government;

(xii) the Chief Secretary to the Government of Maharashtra;

(xiii) the Municipal Commissioner of the Municipal Corporation of Greater Bombay;

(xiv) the Secretary to the Government of Maharashtra, Urban Development Department;

(xv) the Secretary to the Government of Maharashtra, Housing Department;

(xvi) the Managing Director, City and Industrial Development Corporation of Maharashtra;

(xvii) the Metropolitan Commissioner.

(2) The Minister for Urban Development shall be the Chairman, and the Metropolitan Commissioner shall be the Member-Secretary, of the Authority.

(3) With effect from the date of commencement of the said Ordinance, the Authority shall be deemed to be duly constituted, notwithstanding that there may be any vacancies as some of the members may not have been elected or nominated or appointed or for any other reason may not be available to take office on that day, and the members of the Authority, who may, from time to time, be available shall be competent to exercise, perform and discharge all the powers, duties and functions of the Authority from that date.

(4) The State Government may, from time to time, by notification in the Official Gazette, publish the names of members, who are elected under clauses (vi), (vii) and (viii) or nominated under clauses (ix), (x) and (xi) of sub-section (1)

(5) The members shall receive such allowances as may be determined by regulations for meeting the personal expenditure in attending the meetings of the Authority or any Committee or body thereof, or in performing any other functions as members. Such regulations shall require the previous approval of the State Government.

(6) Where a person becomes or is elected or nominated or appointed as a member of the Authority by virtue of holding any office or being a member of the Legislature or any local authority, or Committee or body, he shall cease to be a member of the Authority, as he ceases to hold that office or to be such member, as the case may be

(7) A member of the Authority, other than ex-officio members may, at any time, by writing under his hand addressed to the Chairman, resign his office.

(8) No act or proceeding of the Metropolitan Authority, or of any Committee or other body thereof, shall be deemed to be invalid at any time merely on the ground that—

(a) any of the members of the Authority or its Committee or body are not duly elected, nominated or appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such members ;

(b) there is any irregularity in the procedure of the Authority or such Committee or body, not affecting the merits of the matter under consideration.

4A. Powers and duties of Chairman, Metropolitan Commissioner, etc.—(1) The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him by this Act and exercise such other powers and perform such other duties as the Authority may, from time, by regulations determine.

(2) (a) Subject to the provisions of sub-section (1), the Metropolitan Commissioner shall be the Chief Executive Officer of the Authority.

(b) The Metropolitan Commissioner shall supervise and control all its officers and servants, including any officers of Government

appointed, from time to time, on deputation to the Authority or any Committee or body thereof.

(c) The Metropolitan Commissioner shall be responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets, including cash balances, of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.

(3) Subject to the provisions of sub-section (2), the Executive Committee shall, from time to time, by order determine the powers and duties of any additional, Deputy and Assistant Metropolitan Commissioners appointed under section 11."

3. *Amendment of section 5 of Mah. IV of 1975.*—In section 5 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Chairman shall preside at the meetings of the Authority. In the absence of the Chairman, at any meeting, any other member of the Authority, elected by the members present at the meeting, shall preside at such meeting."

4. *Deletion of section 6 of Mah. IV of 1975.*—Section 6 of the principal Act shall be deleted.

5. *Substitution of section 7 of Mah. IV of 1975.*—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. *Constitution and powers of Executive Committee.*—(1) There shall be an Executive Committee of the Authority, consisting of the following members, namely :—

- (i) the Chief Secretary to Government ;
- (ii) the Metropolitan Commissioner ;
- (iii) the Secretary to Government, Urban Development Department ;
- (iv) the Secretary to Government, Housing Department ;
- (v) the Municipal Commissioner, Bombay Municipal Corporation ;
- (vi) the Managing Director, City and Industrial Development Corporation of Maharashtra ;

(vii), (viii) and (ix) three members who are experts in the field of urban planning and development, to be appointed by the State Government.

(2) The Chief Secretary shall be the Chairman of the Executive Committee. He shall appoint a suitable person to be the Secretary of the Executive Committee.

(3) The Executive Committee shall exercise the following powers and perform the following duties, namely :—

- (i) appointment of the staff ;
- (ii) planning and implementation of projects and schemes of the Authority, including approval or rejection of such projects and schemes ;
- (iii) approval or rejection of tenders for projects and schemes of the Authority ;
- (iv) grant of permission or refusal of permission, on behalf of the Authority, under sub-section (3) of section 13 ;

(v) investment of surplus moneys of the Bombay Metropolitan Region Development Fund ;

(vi) institution, conduct and withdrawal of any legal proceedings on behalf of the Authority.

(4) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine."

6. *Amendment of section 7A of Mah. IV of 1975.*—In section 7A of the principal Act,—

(a) the words "Standing Committee", at both places where they occur, shall be deleted ;

(b) in the marginal note, for the words "and Standing and Executive Committee" shall be substituted.

7. *Deletion of section 8 of Mah. IV of 1975.*—Section 8 of the principal Act shall be deleted.

8. *Amendment of section 10A of Mah. IV of 1975.*—In section 10A of the principal Act, for the words "the Standing Committee, the Executive Committee or a Functional Board" the words "or the Executive Committee" shall be substituted.

9. *Amendment of section 11 of Mah. IV of 1975.*—In section 8 of the principal Act,—

(a) in sub-section (1A), in clause (b), the words "the Standing Committee" and "and Standing Committee" shall be deleted;

(b) in sub-section (1B), for the words "the Standing Committee" the words "the Executive Committee" shall be substituted ;

(c) in sub-section (2), the brackets and words "(including any Functional Board)" shall be deleted.

10. *Amendment of section 13 of Mah. IV of 1975.*—In section 12 of the principal Act, in sub-section (1), in clause (d), the words "on the directions of the State Government" shall be deleted.

11. *Amendment of section 12 of Mah. IV of 1975.*—In section 13 of the principal Act, in sub-section (5), after the words "In case any person or authority" the words, brackets and figure "contravenes any conditions imposed under sub-section (3) or" shall be inserted.

12. *Amendment of section 47 of Mah. IV of 1975.*—In section 47 of the principal Act, the words "the Functional Boards, other boards, and" shall be deleted.

13. *Amendment of section 48 of Mah. IV of 1975.*—In section 48 of the principal Act, the words "the Functional Boards, other boards, and" shall be deleted.

STATEMENT

The Bombay Metropolitan Region Development Act, 1974 (Mah. IV of 1975) provides for establishment of the Metropolitan Authority under the Chairmanship of the Minister for Urban Development, with 44 official and non-official members. Besides, the Act provides for constitution of a Standing Committee with 9 members, an Executive Committee with 8 members, and three Functional Boards for (1) Trans-

port and Communications, (2) Water Resources and Management, and (3) Housing, Urban Renewal and Ecology, each with about 5 members.

2. The Act came in force on the 26th January 1975 and on the basis of the experience gained of the working of the Act during the last eight years, it is felt that there is an urgent need for reduction in the size of the main body i.e. the Authority, to make it more manageable, and also reduction in the number of the five subordinate bodies functioning under the Act.

3. The Authority is taking up a massive programme for providing housing for low income group in the Bombay Metropolitan Region, and it is necessary that for this purpose the Authority is suitably reorganised immediately to make it a compact and effective decision making body.

4. Government has therefore decided that the Authority and the Standing Committee should be merged into one compact body, consisting of 17 members including the Minister Urban Development as the Chairman and the Metropolitan Commissioner as the Member-Secretary.

5. The three Functional Boards are being abolished and their functions are being transferred to the Executive Committee, which will now be the only other body functioning under the Act. This Committee will consist of 9 members, with the Chief Secretary to Government as the Chairman. The composition of this Committee has been suitably revised to enable it to carry out the new duties cast on it.

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Act for the purposes stated above, this Ordinance is promulgated.

IDRIS H. LATIF,

Dated the 20th May, 1983.

Governor of Maharashtra.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS,
CITY OF NAGPUR CORPORATION AND MAHARASHTRA
MUNICIPALITIES (AMENDMENT) ORDINANCE, 1983**

the following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated May 20, 1983.

MAHARASHTRA ORDINANCE NO. XI OF 1983

An Ordinance further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

Whereas both Houses of the State Legislature are not in session;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), and the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing:

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement*.—(1) This Ordinance may be called the Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1983.

2. *Amendment of Section 7-AI of Bom. LIX of 1949*.—In section 7-AI of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), in sub-section (1), in the proviso to clause (b), for the words "two and half years" the words "three years and two months" shall be substituted.

3. *Amendment of section 22A of C.P. and Berar II of 1950*.—In section 22A of the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), in sub-section (1), in the proviso to clause (b), for the words "two and half years" the words "three years and two months" shall be substituted.

4. *Amendment of section 48A of Mah. XL of 1965*.—In section 48A of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), in sub-section (1), in the proviso to clause (b), for the words "two and half years" the words "three years and two months" shall be substituted.

THE MAHARASHTRA REGIONAL AND TOWN PLANNING (AMENDMENT) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated June 6, 1983.

MAHARASHTRA ORDINANCE No. XII OF 1983

An ordinance further to amend the Maharashtra Regional and Town Planning Act, 1966.

Whereas both Houses of the State Legislature are not in session;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him, to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement*.—(1) This Ordinance may be called the Maharashtra Regional and Town Planning (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 2 of Mah. XXXVII of 1966*.—In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as "the principal Act"), in clause (7), after the words "and includes" the word "reclamation," shall be inserted.

3. *Amendment of section 2 of Mah. XXXVII of 1966*.—In section 52 of the principal Act,—

(a) in sub-section (1) for the words "be punished with fine which may extend to five thousand rupees," the words "punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both," shall be substituted;

(b) in sub-section (2), for the words "with fine which may extend to one thousand rupees," the words "with fine which may extend to five thousand rupees;" shall be substituted.

4. *Amendment of section 53 of Mah. XXXVII of 1966.*—In section 53 of the principal Act,—

(a) in sub-section (1), for the words "within three years of such development," the words "within seven years of such development," shall be substituted;

(b) in sub-section (7), for the words "be punished with fine which may extend to five thousand rupees," the words "be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;" shall be substituted.

5. *Amendment of section 54 of Mah. XXXVII of 1966.*—In section 54 of the principal Act, in sub-section (2), for the words "be punished with fine which may extend to five thousand rupees;" the words "be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both;" shall be substituted.

6. *Amendment of section 55 of Mah. XXXVII of 1966.*—In section 55 of the principal Act, in sub-section (1), after the words "as the case may be," the words "or authorise any of its officers or servants," shall be inserted.

7. *Amendment of section 141 of Mah. XXXVII of 1966.*—In section 141 of the principal Act, for the words "be punished with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months," the words "be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both," shall be substituted.

STATEMENT

Section 52, 53, 54 and 55 of the Maharashtra Regional and Town Planning Act, 1966, provide for penalty for unauthorised development or use and demolition, discontinuance or removal of such development or use. Despite these statutory provisions it has been noticed that large scale unauthorised development is taking place in urban areas, and the Authorities under the Act are not sufficiently armed for dealing with such development. The result has been large scale formation of slums, on both public and private lands.

2. Government considers that there is immediate need to provide for deterrent penalties and to give speedy powers for demolition, discontinuance and removal of unauthorised development.

3. At present, the offences under these provisions are punishable with fine only and the procedure for demolition and removal of unauthorised development is time-consuming. It is therefore necessary to make these offences punishable with imprisonment also, for a term which may extend to three years. It is also necessary to empower the Authorities to authorise its officers and servants to demolish and remove unauthorised development and to increase the penalty in section 141 for obstructing persons engaged by the Authorities for discharging its functions. There is also a necessity to expand the definition of "development" to cover case of reclamation of land, which is being resorted to illegally.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Act suitably for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF,
Governor of Maharashtra

Dated the 6th June 1983,

**THE MAHARASHTRA MUNICIPALITIES (AMENDMENT)
ORDINANCE, 1983.**

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated June 6, 1983.

MAHARASHTRA ORDINANCE NO. XIII OF 1983.

An Ordinance further to amend the Maharashtra Municipalities Act, 1965.

Whereas both houses of the State Legislature are not in session.

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Municipalities Act, 1965, (Mah XL of 1965.) for the purposes hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Municipalities (Amendment) Ordinance, 1983.

(2) It shall be deemed to have come into force on the 1st April 1981.

2. *Amendment of section 112 of Mah. XL of 1965.*—In section 112 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965.) (hereinafter referred to as "the principal Act"), to sub-section (2), after the words "the date specified in such notice." the following shall be added, namely :—

"When the rate at which any tax is leviable is increased by publication of the resolution under this section, it shall not be necessary to give any separate notice thereof to the owners or occupiers of the properties affected thereby."

3. *Amendment of section 119 of Mah. XL of 1965.*—In section 119 of the principal Act, in sub-section (1), for the words “the assessment is increased,” the words “the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable,” shall be substituted.

4. *Amendment of section 124 of Mah. XE of 1965.*—In section 124 of the principal Act, in the proviso to sub-section (1), in clause (i), for the words “the assessment is increased;” the words “the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable;” shall be substituted.

5. *Validation of certain taxes levied and collected without notice of increase of rate of tax to owners and occupiers of properties.*—Notwithstanding anything contained in the principal Act or in any rules or by-laws made thereunder or in any judgment, decree or order of any Court, any taxes levied and collected in accordance with the provisions of the principal Act by any Council on and after the 1st April 1981, without giving any notice to the owners and occupiers of the properties of any increase made in the rate at which any tax is leviable or of the increased assessment of their properties due to any such increase in the rate of tax, shall be deemed to be validly levied and collected and shall be deemed always to have been valid, and shall not be called in question on the ground only that any such notice was not given before the tax at the higher rate was levied and collected. No suit or other proceeding shall be maintained or continued in any Court for the refund of any amount of tax so levied and collected:

STATEMENT

A question has been raised as to whether a Municipal Council can increase the rate of consolidated property tax, without being required to issue individual notices as required by section 119 of the Maharashtra Municipalities Act, 1965. On detailed examination of the provisions relating to municipal taxation contained in Chapter IX of the Act, it is revealed that although references to revision of assessment in these provisions relate to variation in the rateable value of the properties, the expression “assessment of the property” includes both elements i.e. the rateable value and the rate of tax. In the assessment lists of the Municipal Councils, the rateable value as well as the amount of tax assessed are indicated. Therefore, revision of the assessment list of properties takes place, whenever there is either variation in the rateable value or in the rates of tax.

2. On careful reading of these provisions, it is seen that the procedure of issuing notices individually to the owners or occupiers of the properties is necessarily to be followed whenever there is a change in the rateable value of any property, because different individuals may be affected differently. However, such procedure, which involves lot of labour and time, need not be followed by a Municipal Council, when only the rate of tax, applicable to all properties alike, is to be increased by it.

3. In order to enable the Municipal Councils to increase the rate of the consolidated property tax merely by following the usual procedure laid down in section 112, without being required to issue notices individually to the owners or occupiers of properties as laid down in section 119, it is considered necessary to amend sections 112, 119 and 124 of the Act suitably, to make it clear that it shall not be necessary for a Municipal Council to issue individual notices, when only the rate of tax is to be increased.

4 As some of the Municipal Councils in order to augment their resources have already taken action to increase the rate of the consolidated property tax in or after the year 1981-82, but without giving individual notices, it is necessary to give retrospective effect to the proposed amendments with effect from the 1st April 1981 and to regularise and validate the action taken by these Councils in levying and collecting the tax without giving such notices.

5 As both House of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to immediate action to amend the Act for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF,
Governor of Maharashtra.

Dated the 6th June 1983.

THE MAHARASHTRA PUBLIC SERVICES (SUBORDINATE) SELECTION BOARDS (REPEAL) ORDINANCE, 1983

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated June 18, 1983.

MAHARASHTRA ORDINANCE NO. XIV OF 1983

An Ordinance to repeal the Maharashtra Public Services (Subordinate) Selection Board Act, 1973, and to provide for certain matters incidental thereto.

Whereas both Houses of the State Legislature are not in session; and Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to repeal the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973) and to provide for certain matters incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called **Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Ordinance, 1983.**

(2) It shall come into force at once.

2. *Repeal of Mah. XXI of 1973 and dissolution of Boards constituted thereunder.*—On and with effect from the date of commencement of this Ordinance, the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973.) shall

stand repealed, and all the Selection Boards and the Special Selection Board constituted thereunder shall stand dissolved, and the members thereof shall be deemed to have vacated their office.

3. *Amendment of certain enactments.*—The enactments specified in column 2 of the Schedule hereto are hereby amended in the manner, and to the extent, specified in column 3 thereof.

4. *Validation of certain appointments to Subordinate service.*—Notwithstanding anything contained in the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973) every person who has been appointed to any post in the Subordinate service on or before the day immediately preceding the date of commencement of this Ordinance, and who is still in service on the date of commencement of this Ordinance, shall be deemed to have been validly appointed to that post, notwithstanding that such person was not nominated or recommended by a Selection Board, or as the case may be, a Special Selection Board, under the said Act or the Maharashtra Public Services (Subordinate) Selection Board Rules, 1976, or any other rules or orders for the time being in force or that no revised rules for selection of candidates by a Selection Board or a Special Selection Board were framed; and no such appointment shall be called in question in any Court or before any authority merely on the ground that he was not duly selected or appointed :

Provided that,—

(a) in the case of such appointment under the State Government, the initial appointment of the person is made—

(i) in conformity with the age limit and minimum qualifications prescribed in the recruitment rules for the post in force at the time of such appointment;

(ii) from amongst candidates recommended by the Employment Exchange or Social Welfare Officer or Backward Class organisations authorised by Government to sponsor candidates for appointment to Government service or the Collector from the list of candidates employed during the 1977-78 strike period ;

(ii) in conformity with the orders issued by Government, from time to time, in respect of reservation of posts for persons belonging to backward classes, economically weaker sections, ex-servicemen, physically handicapped persons, or any other category;

(b) in the case of such appointment under the Zilla Parishads, the Municipal Councils, the Municipal School Boards constituted under the Bombay Primary Education Act, 1947 (Bom. LXI of 1947.) the Maharashtra State Electricity Board constituted under Electricity (Supply) Act, 1948 (LIV of 1948.) and the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950 (LXIV of 1950.) the initial appointment of the person is made in conformity with the relevant rule or regulation or orders made by the authority concerned for the post, or any orders issued in that behalf by Government, and in force at the time of such appointment.

5. *Savings.*—Save as otherwise provided in this Ordinance, the provisions of section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) with regard to effect of repeal, shall apply.

SCHEDULE
(see section 3)
Enactments Amended

Number and year 1	Short title 2	Amendments 3
Mah. V of 1962	The Maharashtra Zila Parishads and Panchayat Samitis Act, 1961.	1. In section 2, after clause (12), the following clauses shall be inserted namely :— “(13) “District selection Board” means a Board constituted under section 250; (14) “Divisional Selection Board” means a Board constituted under section 250.” 2. In section 95, in sub-section (2), for clause (b) the following clauses shall be substituted namely :— “(b) shall appoint officers and servants of Class III service from the lists of candidates selected by the District Selection Board, or as the case may be, the Divisional Selection Board and also under the proviso to section 251;” 3. After section 248, the following sections shall be inserted, namely :— “249. <i>Establishment of Divisional selection Board and District selection Board.</i>—There shall be a Divisional Selection Board for each Division and a District Selection Board for each District. 250. <i>Constitution of Divisional and District Selection Board.</i>—(1) For the purpose of securing impartial selection of personnel in the District Technical Service (Class III) and District Service (Class III), the State Government shall constitute the Divisional Selection Boards. 2. The members of the Boards constituted as aforesaid shall be appointed by the State Government and the Boards shall consist of such number of members not exceeding six as that Government may determine. (3) The State Government shall appoint a Chairman for each of the aforesaid Boards, from among its members.

SCHEDULE - *contd.*

Number and year 1	Short title 2	Amendments 3
		(4) The members who are not officers of the State Government shall be paid such honoraria, travelling and other allowances as may be determined by the State Government. The State Government may by rules determine other terms of their appointment and the terms so determined shall not be varied to their disadvantage after their appointment. (5) The State Government shall appoint any officer or person to be the Secretary of each of the Boards constituted by the State Government. <i>251. Function of Selection Boards.—</i> Subject to the rules made by the State Government in that behalf, it shall be the duty of the Divisional Selection Board to select candidates for appointment to posts in each grade and each category of the District Technical Service (Class III), and it shall be the duty of the District Selection Board to select candidates for appointment to posts in each category of officers and servants in the District Service (Class III) : Provided that, nothing in this section shall prevent the State Government from making any rules, in consultation with a Divisional Selection Board or a District Selection Board, specifying the circumstances in which, it shall not be necessary for the Divisional Selection Board or the District Selection Board to select candidates for appointment to a post or posts specified in such rules, and providing for the manner in which such appointment shall be made by the Chief Executive Officer." (4) In section 274, in sub-section (2), after clause (xxxix), the following clauses shall be inserted, namely :— "(xl) under sub-section (4) of section 250,

determining other terms of appointment of members referred to in that section;
(xli) under section 251, prescribing the rules subject to which the Divisional selection Board shall select candidates for appointments to posts in each grade and each category of the District Technical Service (class III), and the District Selection Board shall select candidates for appointment to posts of each grade and each category of officers and servants in the District Service (class III);”.

(Mah. XL of 1965) The Maharashtra Municipalities Act, 1965.

1. In section 76,—

(a) in sub-section (2), for the words, brackets and figures “Subject to the provisions of the Maharashtra Public Services (Subordinate) Selection Board Act, 1973 (Mah. XXI of 1973.) and the rules made thereunder, the qualifications” the words “The qualifications” shall be substituted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :

“(3) (a) The power of making appointment to any post referred to in clause (a) of sub-section (2) shall vest in the Standing Committee, and if the Council so decides in the President.

(b) the power of making appointment to any post referred to in Clause (b) of sub-section (2) shall vest in the Council or in the Standing Committee, if the Council so decides.”

2. In section 79, in sub-section (2),—

(a) the first proviso shall be deleted ;

(b) in the second proviso, for the words “Provided further that” the words “provided that” shall be substituted.

Bom. LXI of 1947 The Bombay Primary Education Act, 1947.

In section 23,—

(1) in section (4),—

(a) for the words “and Attendance Officers” the words “Attendance Officers and teachers” shall be substituted;

(b) after the words “selection of candidates” the word, “and teachers” shall be inserted;

(2) in sub-section (5), for the words, brackets and figure “Subject to the provisions of sub-section (6), the school

board" the words. "The school board" shall be substituted;

(3) sub-section (6) shall be deleted;

(4) for the marginal note, the following shall be substituted, namely :—

"Staff Selection Committee."

Dated the 17th June 1983

IDRIS H. LATIF,
Governor of Maharashtra

MAHARASHTRA UNIVERSITIES (AMENDMENT) ORDINANCE, 1983.

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary Part IV, dated June 22, 1983.

THE MAHARASHTRA ORDINANCE NO. XVI OF 1983.

An Ordinance further to amend the Acts relating to certain Universities in the State of Maharashtra.

Whereas both Houses of the State Legislature are not in session ;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Acts relating to the Bombay, Poona, Shivaji, Marathwada, Nagpur and Shreemati Nathibai Damodar Thackersey Women's Universities in the State of Maharashtra, for the purposes hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the *Maharashtra Universities (Amendment) Ordinance, 1983.*

(2) It shall come into force at once.

2. *Insertion of section 11-A in Mah. XXII to XXVII of 1974.*—In each of the Universities Act, that is to say, the Bombay University Act, 1974 (Mah. XXII of 1974.), the Poona University Act, 1974 (Mah. XXIII of 1974.), the Shivaji University Act, 1974 (Mah. XXIV of 1974.), the Marathwada University Act, 1974 (Mah. XXV of 1974.), the Nagpur University Act, 1974 (Mah. XXVI of 1974.), and the Shreemati Nathibai Damodar Thackersey Women's University Act, 1974 (Mah. XXVII of 1974.), after section 11, the following section shall be inserted, namely :—

"11-A. *Pro-Vice Chancellor and his powers and duties.*—(1) Where in the University, if there are more than one hundred and ten affiliated and conducted colleges and recognised institutions, and the Vice-Chancellor of the University is of the opinion that it is expedient to create a post of a Pro-Vice-Chancellor, he may request the State Government to create such a post. On receipt of such a request, the State Government may, after making such inquiries as it deems fit, create such a post by notification in the Official Gazette.

(2) When the post of the Pro-Vice-Chancellor is created, the Chancellor shall, in consultation with the Vice-Chancellor, appoint a suitable person, including a teacher or a teacher of the University or a person having special qualifications or experience in administrative matters, to be the Pro-Vice-Chancellor. The term of office of the Pro-Vice-Chancellor shall be co-terminus with the term of office of the Vice-Chancellor, and the Pro-Vice-Chancellor shall hold office during the pleasure of the Chancellor.

(3) The Pro-Vice-Chancellor shall be a whole time salaried officer of the University, in addition the officers of the University specified in section 8 and his emoluments and terms and conditions of service shall be such as the State Government may, from time to time, by order, determine.

(4) The Pro-Vice-Chancellor shall be the ex-officio member the Senate, the Executive Council, the Academic Council, the Boards of University Teaching and Research, the Board of Extra-mural Studies, Council and the Committee for Academic Planning and Evaluation.

(5) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters, as may be specified by the Vice-Chancellor in this behalf, from time to time. He shall preside over the meetings of the Authorities or Bodies of the University, in the absence of the Vice-Chancellor and shall exercise such other powers and perform such other duties of the Vice-Chancellor as may be assigned to him by the Chancellor.

(6) Whenever a Pro-Vice-Chancellor is appointed and any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, then notwithstanding anything contained in sub-section (4) of section 10, the Chancellor shall nominate the Pro-Vice-Chancellor to carry on the duties of the office of the Vice-Chancellor."

STATEMENT

The enrolment of the students, the number of the post-graduate Departments as also the number of Examination conducted by the Universities have been increasing rapidly in the recent past. This has also increased the work of the Vice-Chancellors of the Universities. The need for creating the office of the Pro-Vice-Chancellor is, therefore, felt urgently.

2. With a view to enable the Universities, having one hundred and ten or more affiliated and conducted colleges and recognised institutions, under their control, to re-organise their administrative as well as the academic work from the ensuing academic year, which will commence soon, it is considered necessary to amend all the Universities Acts immediately, to empower Government to create the post of the Pro-Vice-Chancellor and to empower the Chancellor to appoint a suitable person on that post for assisting the Vice-Chancellor. It is also necessary to provide that whenever such an officer is appointed, he shall be the ex-officio member of the important Authorities and Bodies of the University and shall discharge such duties as will be entrusted to him by the Vice-Chancellor as well as by the Chancellor.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which

render it necessary for him to take immediate action further to amend the various Universities Acts of 1974, for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF,
Governor of Maharashtra.

Dated the 22nd June 1983.

**THE MAHARASHTRA SPECIFIED CO-OPERATIVE SOCIETIES
(POSTPONEMENT OF THE ELECTIONS DUE TO DROUGHT
CONDITIONS IN THE STATE) ORDINANCE, 1983**

The following Ordinance was published in the Maharashtra Government Gazette, Extraordinary Part IV, Dated May 12 1983.

MAHARASHTRA ORDINANCE NO. VIII OF 1983

An Ordinance to provide for the Elections to Committees of Specified Co-operative Societies because of widespread drought conditions in the State.

Whereas elections of members of committees of co-operative societies belonging to the categories mentioned in section 73G of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) are required to be conducted under the control of the Collectors of Districts;

And whereas, because of widespread drought conditions prevailing in most of the Districts of the State, the Collectors of Districts and their staff, who are necessary for holding the elections of the specified societies, are required to direct all efforts towards drought relief works and making provision for drinking water supply, and consequently will not be available for election work; and it would also be inconvenient to the people in general to have such elections during this critical period;

And whereas for these and other reasons it is expedient to postpone general elections and bye-elections of the specified societies for a certain period;

And whereas, in consequence of such postponement, it is necessary to extend the term of office of some of the members of the committees and of the administrators;

And whereas both Houses of the State Legislature are not in session;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to have a special law to provide for postponement of the elections and extension of the term of office as aforesaid, and for matters connected therewith;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Ordinance, 1983.**

2. *Definitions.*—In this Ordinance, unless the context otherwise requires.

(a) “administrator”, “committee” and “society” shall have the meaning assigned to them in the Co-operative Societies Act;

(b) “specified society” means a society belonging to any of the categories mentioned in section 73G of the Co-operative Societies Act;

(c) "the Co-operative Societies Act" means the Maharashtra Co-operative Societies Act, 1960, (Mah. XXIV of 1961).

3. *Postponement of elections of committees of specified societies.*—

(1) Notwithstanding anything contained in the Co-operative Societies Act and the rules and by-laws made thereunder or in any judgement, decree or order of any Court,—

(a) during the period this Ordinance is in operation, no election to the committee or election to fill any casual vacancy in the committee, of any specified society shall be held or completed, even though at the commencement of this Ordinance an election programme may have been announced in any case or an election may have been commenced but the poll has not been taken, in any case, then any such programme, or any action taken thereunder, shall stand cancelled from the date of commencement of this Ordinance ;

(b) the term of office of members of the committees of specified societies, who were in office on the date of commencement of this Ordinance (whether their term had expired before, or will expire on or after the said date and any time during the period this Ordinance is in operation) shall be deemed to have been extended, or to be extended, as the case may be; and such members shall continue to hold office during the period this Ordinance is in operation;

(c) the term of office of any administrators appointed under section 77-A or sub-section (1) of section 78 of the Co-operative Societies Act, to manage the affairs of any specified societies, who were in office on the date of commencement of this Ordinance (whether their term had expired before, or will expire on or after the said date, at any time during the period this Ordinance is in operation) shall be deemed to have been extended, or to be extended, as the case may be; and such administrators shall continue to hold office during the period this Ordinance is in operation.

(2) After the expiry of the term of office of the members or the administrators as so extended by this section they shall continue in office until the first meeting of the re-constituted committee is held.

4. *Power to co-opt.*—The committee of every specified society shall have the power to co-opt any member, who is duly qualified in this behalf, to fill any vacancy caused due to resignation, death or otherwise, of its member.

5. *Constitution of provisional committees.*—Notwithstanding anything contained in this Ordinance, in respect of a specified society registered before or after the date of commencement of this Ordinance and where the first general meeting of all persons who joined in the application for registration of the society is to be held on or after the date of commencement of this Ordinance, a provisional committee shall be constituted in accordance with rule 59 of the Maharashtra Co-operative Societies Rules, 1961 ; and the members of the provisional committee so constituted shall hold office during the period this Ordinance is in operation.

6. *Validation of acts of committees and of members and administrators whose term of office stands extended under section 3.*—All members of the committees and all administrators appointed to manage the affairs of any specified societies, whose term of office is extended or deemed to have been extended, as the case may be, under section 3, shall, throughout their respective extended period also, be competent to exercise all powers and to perform all duties and functions as such members or administrators, as the case may be; and no acts done by any such committee, member or administrator during the relevant period, shall be deemed to be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the committee, member or administrator could not exercise all power and perform all duties and functions of a committee, member or administrator, as the case may be.

7. *Application of Mah. XXIV of 1961.*—Except as otherwise provided by or under this Ordinance, the Co-operative Societies Act shall in all other respects apply to the specified society concerned.

8. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, or by reason of anything contained therein, or in giving effect to the provisions of the Co-operative Societies Act or any other law relating to societies, in respect of any matter contained in this Ordinance, the State Government may as occasion arises, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

STATEMENT

The elections of members of committees of certain societies mentioned in section 73G of the Maharashtra Co-operative Societies Act, 1960, are required to be conducted under Chapter XI-A under the control of the Collectors of the Districts.

2. Because of widespread drought condition prevailing in most of the State, the Collectors of Districts and their staff, who are necessary for holding the elections of the specified societies, are required to direct all efforts towards drought relief works and making provision for drinking water supply. They would not, therefore, be able to attend to the election work. It would also be inconvenient to the people concerned to have elections during such critical period.

3. When elections of the Board of Directors of the Gangapur Sahakari Sakhar Karkhana Ltd. were being held by the Collector of Aurangabad, Government had issued directions to the Collector to postpone the elections on account of drought conditions prevailing in the villages concerned. This action was challenged and the High Court has in its judgment dated the 21st February 1983 in Writ Petition No. 47 of 1983, *Sahebrao Kacharu Patil v. Collector of Aurangabad*, has held that Government has no powers to issue directions to postpone any elections started by competent authorities under Chapter XI-A and the rules made thereunder.

4. To postpone the elections of member of committee of specified societies during this critical period, it is considered necessary to have a special law providing for postponing the elections and for extension of

the term of office of existing members of the committees and administrators of specified societies, whose term has already expired or will expire during this critical period and to make consequential and incidental provisions.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to have the special law for the purposes stated above, this Ordinance is promulgated.

IDRIS H. LATIF,

Governor of Maharashtra.

Dated the 12th May 1983.

THE BOMBAY SALES TAX (AMENDMENT) ACT, 1983

The following Act of the Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette, Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXVI OF 1983

An Act further to amend the Bombay Sales Tax Act, 1959.

Whereas it is expedient further to amend the Bombay Sales Tax Act, 1959, (Bom. LI of 1959), for the purposes hereinafter appearing; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Sales Tax (Amendment) Act, 1983.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 55 of Bom. LI of 1959.*—In section 55 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959.) (hereinafter referred to as "the principal Act"),—

(a) in sub-section (1), in clause (b), for the words "to the Commissioner; the words "to the Deputy Commissioner;" shall be substituted;

(b) in sub-section (2), after the words "in appeal by an Assistant Commissioner," the words "or by a Deputy Commissioner;" shall be inserted.

3. *Amendment of section 71 of Bom. LI of 1959.*—In section 71 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words "or Chartered Accountant," the words, "Chartered Accountant or Cost Accountant," shall be substituted;

(ii) for the words "Chartered Accountant or" the words "Chartered Accountant, Cost Accountant or" shall be substituted;

(b) in sub-section (2),—

(i) for the words "Chartered Accountant or" the words "Chartered Accountant, Cost Accountant or" shall be substituted;

(ii) in clause (ii), for the word "or Chartered Accountant" the words, "Chartered Accountant or Cost Accountant" shall be substituted

**THE BOMBAY PROVINCIAL CORPORATIONS, CITY OF
NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES
(AMENDMENT) ACT, 1983**

The following Act of Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXVII OF 1983

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948, (C.P. and Berar II of 1950) and the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965), for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1983, (Mah. Ord. XI of 1983) on the 20th May 1983 ;

And whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force on the 20 May 1983.

2. *Amendment of section 7-A1 of Bom. LIX of 1949.*—In section 7-A1 of the Bombay Provincial Municipal Corporations Act, 1949, (Bom. LIX of 1949.) in sub-section (1), in the proviso to clause (b), for the words “two and half years” the words “three years and two months” shall be substituted.

3. *Amendment of section 22A of C.P. and Berar II of 1950*—In section 22A of the City of Nagpur Corporation Act, 1948, (C.P. and Berar II of 1950.) in sub-section (1), in the proviso to clause (b), for the words “two and half years” the words “three years and two months” shall be substituted.

4. *Amendment of section 48A of Mah. XL of 1965.*—In section 48A of the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965.) in sub-section (1), in the proviso to clause (b), for the words “two and half years” the words “three years and two month” shall be substituted.

5. *Repeal of Mah. Ord. XI of 1983, and saving.*—(1) The Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1983, (Mah. Ord. XI of 1983.) is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the relevant Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

THE BOMBAY PUBLIC TRUSTS (AMENDMENT) ACT, 1983.

The following Act of Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette, Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXIX OF 1983.

Whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Public Trusts Act, 1950, (Bom. XXIX of 1950.) for the purposes hereinafter appearing, and, therefore, promulgated the Bombay Public Trusts (Amendment) Ordinance, 1983, (Mah. Ord. IX of 1983). on the 17th May, 1983 :

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bombay Public Trusts (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force on the 17th May 1983.

2. *Amendment of section 3A of Bom. XXIX of 1950.*—(1) Section 3A of the Bombay Public Trusts Act, 1950, (Bom. XXIX of 1950.) (hereinafter referred to "the principal Act"), shall be renumbered as sub-section (1) the said section 3A.

(2) In the said section 3A, after sub-section (1) as so renumbered, the following sub section shall be added, namely :—

"(2) The State Government may, by general or special order, declare a Joint Charity Commissioner to be regional head to superintend, subject to the control of the Charity Commissioner, the administration in one or more regions or sub-regions, as may be specified in such order.

3. *Amendment of section 5 of Bom. XXIX of 1950.*—In section 5 of the principal Act, in sub-section (2A),—

(1) in clause (a), for the portion beginning with the words "or any office" and ending with the words "not less than four years, or" the words "for not less then one year, or" shall be substituted.

(2) in clause (b), for the words "not less than seven years—" the words "not less than four years—" shall be substituted.

4. *Amendment of section 58 of Bom. XXIX of 1950.*—In section 58 of the principal Act, after sub-section (4), the following sub-section shall be added, namely :—

"(5) Notwithstanding anything contained in the foregoing provisions in this section, on and after the commencement of the Bombay Public Trusts (Amendment) Act, 1983, (Mah. XXIX of 1983.) every trustee of a public trust liable to pay contribution, shall, while filing a copy of the balance sheet and income and expenditure account under sub-section (1A) of section 34, pay in advance the whole amount of the annual contribution of the public trust computed at the rate fixed under sub-section (1) of this section, according to specified percentage of the gross annual income, or of the gross annual collection or receipt, as the case may be, as shown in the balance sheet and expenditure account.

in such manner, and subject to such adjustments to be made after the contribution payable is assessed, as may be prescribed.”.

5. *Repeal and saving.*—(1) The Bombay Public Trust (Amendment) Ordinance, 1983 (Mah. Ord. IX of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued or rule made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, issued or made, as the case may be, under the principal Act, as amended by this Act.

THE BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1983.

The following Act of the Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette, Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXX OF 1983.

An Act further to amend the Bombay Metropolitan Region Development Authority Act, 1974.

Whereas, both Houses of the State Legislature were not in session ;
And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Metropolitan Region Development Authority Act, 1974, (Mah. IV of 1975.) for the purposes hereinafter appearing; and therefore, promulgated the Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983. (Mah. Ord. X of 1983). on the 20th May 1983 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Metropolitan Region Development Authority (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 20th May 1983.

2. *Substitution of sections 4 and 4A of Mah. IV of 1975.*—For sections 4 and 4A of the Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975.) (hereinafter referred to as “the principal Act”), the following sections shall be substituted, namely:—

“4. *Composition of Metropolitan Authority.*—(1) On and from the date of commencement of the Bombay Metropolitan Region Development Authority (Amendment) Act, 1983 (Mah. XXX of 1983), in place of the existing members, the Metropolitan Authority shall consist of the following members, namely:—

- (i) The Minister for Urban Development ;
- (ii) The Minister for Housing ;
- (iii) The Minister of State for Urban Development ;
- (iv) The Mayor of Bombay ;
- (v) The Chairman, Standing Committee, Municipal Corporation of Greater Bombay ;

(vi), (vii) and (viii) three Councillors of the Municipal Corporation of Greater Bombay, elected by the Corporation, the election being held by ballot according to the system of proportional representation by means of the single transferable vote ;

(ix) and (x) two members of the Maharashtra Legislative Assembly, representing constituencies falling; wholly or partly, within the limits of the Bombay Metropolitan Region, to be nominated by the State Government ;

(xi) one member of the Maharashtra Legislative Council, to be nominated by the State Government ;

(xii) the Chief Secretary to the Government of Maharashtra ;

(xiii) the Municipal Commissioner of the Municipal Corporation of Greater Bombay ;

(xiv) the Secretary to the Government of Maharashtra, Urban Development Department ;

(xv) the Secretary to the Government of Maharashtra, Housing Department ;

(xvi) the Managing Director, City and Industrial Development Corporation of Maharashtra ,

(xvii) the Metropolitan Commissioner.

(2) The Minister for Urban Development shall be the Chairman, and the Metropolitan Commissioner shall be the Member-Secretary, of the Authority.

(3) With effect from the date of commencement of the said Act, the Authority shall be deemed to be duly constituted, notwithstanding that there may be any vacancies as some of the members may not have been elected or nominated or appointed or for any other reason may not be available to take office on that day, and members of the Authority, who may, from time to time, be available shall be competent to exercise, perform and discharge all the powers, duties and functions of the Authority from that date.

(4) The State Government may, from time to time, by notification in the Official Gazette, publish the names of members, who are elected under clauses (vi), (vii) and (viii) or nominated under clause (ix), (x) and (xi) of sub-section (1).

(5) The members shall receive such allowances as may be determined by regulations for meeting the personal expenditure in attending meetings of the Authority or any Committee or body thereof, or in performing any other functions as members. Such regulations shall require the previous approval of the State Government.

(6) Where a person becomes or is elected or nominated or appointed as a member of the Authority by virtue of holding any office or being a member of the Legislature or any local authority, or Committee or body, he shall cease to be a member of the Authority, as soon as he ceases to hold that office or to be such member, as the case may be

(7) A member of the Authority, other than ex-officio members, may, at any time, by writing under his hand addressed to the Chairman, resign his office,

(8) No act or proceeding of the Metropolitan Authority, or of any Committee or other body thereof, shall be deemed to be invalid at any time merely on the ground that—

(a) any of the members of the Authority or its Committee or body are not duly elected, nominated or appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such members ;

(b) there is any irregularity in the procedure of the Authority or such Committee or body, not affecting the merits of the matter under consideration.

4A. Powers and duties of Chairman, Metropolitan Commission, etc.—(1) The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him by this Act and exercise such other powers and perform such other duties as the Authority may, from time to time, by regulations determine.

(2) (a) Subject to the provisions of sub-section (1), the Metropolitan Commissioner shall be the Chief Executive Officer of the Authority.

(b) The Metropolitan Commissioner shall supervise and control all its officers and servants, including any officers of Government appointed, from time to time, on deputation to the Authority or any Committee or body thereof.

(c) The Metropolitan Commissioner shall be responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets, including cash balances, of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.

(3) Subject to the provisions of sub-section (2), the Executive Committee shall, from time to time, by order determine the powers and duties of any Additional, Deputy and Assistant Metropolitan Commissioners appointed under section 11".

3. Amendment of section 5 of Mah. IV of 1975.—In section 5 of the principal Act, for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) The Chairman shall preside at the meetings, of the Authority. In the absence of the Chairman, at any meeting, any other member of the Authority, elected by the members present at the meeting, shall preside at such meeting”.

4. Deletion of section 6 of Mah. IV of 1975.—Section 6 of the principal Act shall be deleted.

5. Substitution of section 7 of Mah. IV of 1975.—For section 7 of the principal Act, the following section shall be substituted, namely :—

“**7. Constitution and powers of Executive Committee.**—(1) There shall be an Executive Committee of the Authority, consisting of the following members, namely :—

- (i) the Chief Secretary to Government ;
- (ii) the Metropolitan Commissioner ;

- (iii) the Secretary to Government, Urban Development Department ;
- (iv) the Secretary to Government, Housing Department ;
- (v) the Municipal Commissioner, Bombay Municipal Corporation ;
- (vi) the Managing Director, City and Industrial Development Corporation of Maharashtra ;

(vii), (viii) and (ix) three members who are experts in the field of urban planning and development, to be appointed by the State Government.

(2) The Chief Secretary shall be the Chairman of the Executive Committee. He shall appoint a suitable person to be the Secretary of the Executive Committee.

(3) The Executive Committee shall exercise the following powers and perform the following duties, namely :—

- (i) appointment of the staff ;
- (ii) planning and implementation of projects and schemes of the Authority, including approval or rejection of such projects and schemes ;
- (iii) approval or rejection of tenders for projects and schemes of the Authority ;
- (iv) grant of permission or refusal of permission, on behalf of the Authority under sub-section (3) of section 13 ;
- (v) investment of surplus moneys of the Bombay Metropolitan Region Development Fund ;
- (vi) institution, conduct and withdrawal of any legal proceedings on behalf of the Authority.

(4) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine.”

6. *Amendment of section 7 A of Mah. IV of 1975.*—In section 7A of the principal Act,—

(b) in the marginal note, for the words “and Standing and Executive Committees” the words “and Executive Committee” shall be substituted.

7. *Deletion of section 8 of Mah. IV of 1975.*—Section 8 of the principal Act shall be deleted.

8. *Amendment of section 13 A of Mah. IV of 1975.*—In section 10A of the principal Act, for the words “the Standing Committee, the Executive Committee or a Functional Board” the words “or the Executive Committee” shall be substituted.

9. *Amendment of section 11 of Mah IV of 1975.*—In section 11 of the principal Act,—

- (a) in sub-section (IA), in clause (b),—
 - (i) for the words “the Authority, and the Standing Committee or the Executive Committee,” the words “the Authority or the Executive Committee,” shall be substituted.
 - (ii) in paragraph (vi), the words “and the Standing Committee” shall be deleted;
 - (b) in sub-section (IB), for the words “the Standing Committee,” the words “the Executive Committee,” shall be substituted;

(c) in sub-section (2), the brackets and words “(including any Functional Board)” shall be deleted.

10. *Amendment of section 12 of Mah. IV of 1975.*—In section 12 of the principal Act, in sub-section (1), in clause (d), the words “on the directions of the State Government” shall be deleted.

11. *Amendment of section 13 of Mah. IV of 1975.*—In section 13 of the principal Act, in sub-section (5), after the word “In case any person or authority” the words, brackets and figure “contravenes any conditions imposed under sub-section (3) or” shall be inserted.

12. *Amendment of section 47 of Mah. IV of 1975.*—In section 47 of the principal Act, the words “Functional Boards, other boards, and” shall be deleted.

13. *Amendment of section 48 of Mah. IV of 1975.*—In section 48 of the principal Act, the words “Functional Boards, other boards, and” shall be deleted.

14. *Repeal of Mah. Ord. X of 1983 and saving.*—(1) The Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983, (Mah. Ord. X of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done, or any action taken (including any nomination or appointment made, election held, notification issued or regulation framed) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, made, held issued or framed, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

THE MAHARASHTRA REGIONAL AND TOWN PLANNING (AMENDMENT) ACT, 1983

The following Act of the Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette, Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXXI OF 1983

Whereas both Houses of the State Legislature were not in session;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, (Mah. XXX-VII of 1966) for the purposes herein-after appearing; and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 1983, (Mah. Ord. XII of 1983) on the 6th June 1983;

And whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 6th June 1983.

2. *Amendment of section 2 of Mah. XXXVII of 1966.*—In section 2 of the Maharashtra Regional and Town planning Act, 1966 (Mah.

XXX-VII of 1966) (hereinafter referred to as "the principal Act"), in clause (7), after the words "and includes" the word "reclamation," shall be inserted.

3. *Amendment of section 52 of Mah. XXXVII of 1966.*—In section 52 of the principal Act,—

(a) in sub-section (1), for the words "be punished with fine which may extend to five thousand rupees," the words "be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both," shall be substituted;

(b) in sub-section (2), for the words "with fine which may extend to one thousand rupees," the words "with fine which may extend to five thousand rupees," shall be substituted.

4. *Amendment of section 53 of Mah. XXXVII of 1966.*—In section 53 of the principal Act,—

(a) in sub-section (1), for the words "within three years of such development," the words "within seven years of such development," shall be substituted;

(b) in sub-section (7), for the words "be punished with fine which may extend to five thousand rupees," the words "be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both," shall be substituted.

5. *Amendment of section 54 of Mah. XXXVII of 1966.*—In section 54 of the principal Act, in sub-section (2), for the words "be punished with fine which may extend to five thousand rupees," the words "be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both," shall be substituted.

6. *Amendment of section 55 of Mah. XXXVII of 1966.*—In section 55 of the principal Act, in sub-section (1), after the words "as the case may be," the words "or authorise any of its officers or servants," shall be inserted.

7. *Amendment of section 141 of Mah. XXXVII of 1966.*—In section 141 of the principal Act, for the words "be punished with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months," the words "be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both," shall be substituted.

8. *Repeal of Mah. Ord. XII of 1983 and saving.*—(1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 1983 (Mah. Ord. XII of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

THE MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1983.

The following Act of the Maharashtra Legislature having been assented to by the Governor on 1st August, 1983, was published in the Maharashtra Government Gazette, Part IV dated August 11, 1983.

MAHARASHTRA ACT NO. XXXII OF 1983.

An Act further to amend the Maharashtra Municipalities Act, 1965.

Whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965.), for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipalities (Amendment) Ordinance, 1983, (Mah. Ord. XIII of 1983.) on the 6th June 1983 ;

And whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-fourth Year of the Republic of India, as follow :—

1. *Short title and commencement.*—(1) This Act may be called the **Maharashtra Municipalities (Amendment) Act, 1983.**

(2) It shall be deemed to have come into force on the 1st April 1981.

2. *Amendment of section 112 of Mah. XL of 1965.*—In section 112 of the Maharashtra Municipalities Act, 1965, (Mah. XL of 1965.) (hereinafter referred to as “the principal Act”), to sub-section (2), after “the date specified in such notice,” the following shall be added, namely :—

“When the rate at which any tax is leviable is increased by publication of the resolution under this section, it shall not be necessary to give any separate notice thereof to the owners or occupiers of the properties affected thereby.”

3. *Amendment of section 119 of Mah. XL of 1965.*—In section 119 of the principal Act, in sub-section (1), for the words “the assessment is increased,” the words “the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable,” shall be substituted.

4. *Amendment of section 124 of Mah. XL of 1965.*—In section 124 of the principal Act, in the proviso to sub-section (1), in clause (i), for the words “the assessment is increased;” the words “the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable;” shall be substituted.

5. *Validation of certain taxes levied and collected without notice of increase of rate of tax to owners and occupiers of properties.*—Notwithstanding anything contained in the principal Act or in any rules or by-laws made thereunder or in any judgment, decree or order of any Court, any taxes levied and collected in accordance with the provisions of the principal Act by any Council on and after the 1st April 1981, without giving any notice to the owners and occupiers of the properties of any increase made in the rate at which any tax is leviable or of the increased assessment of their properties due to any such increase in the rate of the tax, shall be deemed to be validly levied and collected and shall be deemed always to have been valid, and shall not be called in question in any Court on the ground only that any such notice was not given before

the tax at the higher rate was levied and collected. No suit or other proceeding shall be maintained or continued in any Court for the refund of any amount of tax so levied and collected.

6. *Repeal of Mah. Ord. XIII of 1983 and saving.*—(1) The Maharashtra Municipalities (Amendment) Ordinance, 1983 (Mah. XL of 1965.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any tax levied or collected) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, levied or collected, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

**THE MAHARASHTRA SPECIFIED CO-OPERATIVE SOCIETIES
(POSTPONEMENT OF ELECTIONS DUE TO DROUGHT CONDI-
TIONS IN THE STATE) ACT, 1983**

The following Act of the Maharashtra Legislature having been assented to by the Governor on 1st August, 1983 was published in the Maharashtra Government Gazette, Part IV, dated August 11, 1983.

MAHARASHTRA ACT NO. XXVIII OF 1983.

An Act to provide for the postponement of Elections to Committees of Specified Co-operative Societies because of widespread drought conditions in the State.

Whereas elections of members of committees of co-operative societies belonging to the categories mentioned in section 73G of the Maharashtra Co-operative Societies Act, 1960, (Mah. XXIV of 1961.) are required to be conducted under the control of the Collectors of Districts ;

And whereas, because of widespread drought conditions prevailing in most of the Districts of the State, the Collectors of Districts and their staff, who are necessary for holding the elections of the specified, societies, were required to direct all efforts towards drought relief works and making provision for drinking water supply, and consequently would not be available for election work; and it would also be inconvenient to the people in general to have such elections, during this critical period;

And whereas for these and other reasons it was expedient to postpone general elections and by-elections of the specified societies for a certain period;

And whereas, in consequence of such postponement, it was necessary to extend the term of office of some of the members of the committees and of the administrators;

And whereas, both Houses of the State Legislature were not in session ;

And whereas, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law to provide for postponement of the elections and extension of term of office as aforesaid, and for matters connected therewith ; and, therefore, promulgated the Maharashtra Specified Co-operative Societies (Postponement of Elections due to

drought conditions in the State) Ordinance, 1983, (Mah. Ord. VIII of 1983.) on the 12th May 1983;

And whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title, commencement and duration.*—(1) The Act may be called the **Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Act, 1983.**

(2) It shall be deemed to have come into force on the 12th May 1982.

(3) It shall remain in force upto, and inclusive of, 31st October 1983, or such earlier date as the State Government may, by notification in the Official Gazette specify, and shall then expire. Section 7 of the Bombay General Clauses Act, 1904. (Bom. I of 1904.) shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

2. *Definitions.*—In this Act, unless the context requires,—

(a) “administrator”, “committee” and “society” shall have the meanings assigned to them in the Co-operative Societies Act;

(b) “specified society” means a society belonging to any of the categories mentioned in section 73G of the Co-operative Societies Act.

(c) “the Co-operative Societies Act” means the Maharashtra Co-operative Societies Act, 1960, (Mah. XXIV of 1961.).

3. *Postponement of elections of committees of specified societies.*—

(1) Notwithstanding anything contained in the Co-operative Societies Act and the rules and bye-laws made thereunder or in any judgement, decree or order of any Court,—

(a) during the period this Act is in force, no election to the committee or election to fill any casual vacancy in the committee, of any specified society shall be held or completed; even though at the commencement of this Act an election programme may have been announced in any case or an election may have been commenced, but the poll has not been taken, in any case, then programme, or any action taken thereunder, shall stand cancelled from the date of commencement of this Act;

(b) the term of members of the committees of specified societies, who were in office on the date of commencement of this Act (whether their term had expired before, or will expire on or after the said date at any time during the period this Act is in force) shall be deemed to have been extended, or to be extended, as the case may be; and such members shall continue to hold office during the period this Act is in force;

(c) the term of office of any administrators appointed under section 77-A or sub-section (1) of section 78 of the Co-operative Societies Act, to manage the affairs of any specified societies, who were in office on the date of commencement of this Act (whether their term had expired before, or will expire on or after the said date, at any time during the period this Act is in force) shall be deemed to have been extended, or to be extended, as the case may be; and such administrators shall continue to hold office during the period this Act is in force.

(2) After the expiry of the term of office of the members or the administrators as so extended by this section, they shall continue in office, until the first meeting of the reconstituted committee is held.

4. *Power to co-opt.*—The committee of every specified society shall have the power to co-opt, any member, who is duly qualified in this behalf, to fill any vacancy caused due to resignation or death of its member, or otherwise.

5. *Constitution of provisional committees.*—Notwithstanding anything contained in this Act in respect of a specified society registered before or after the date of commencement of this Act and where the first general meeting of all persons who joined in the application for registration of the society is to be held on or after the date of commencement of this Act, a provisional committee shall be constituted in accordance with rule 59 of the Maharashtra Co-operative Societies Rules, 1961; and the members of the provisional committee so constituted shall hold office during the period this Act is in force.

6. *Validation of acts of committees and of members and administrators whose term of office stands extended under section 3.*—All members of the committees and all administrators appointed to manage the affairs of any specified societies, whose term of office is extended or deemed to have been extended, as the case may be, under section 3, shall, throughout their respective extended period also, be competent to exercise all powers and to perform all duties and functions as such members or administrators, as the case may be; and no acts done by any such committee, member or administrator during the relevant period, shall be deemed to be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the committee, member or administrator could not exercise all powers and perform all duties and functions of a committee, member or administrator, as the case may be.

7. *Application of Mah. XXIV of 1961.*—Except as otherwise provided by or under this Act, the Co-operative Societies Act shall in all other respects apply to the specified society concerned.

8. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained therein, or in giving effect to the provisions of the Co-operative Societies Act or any other law relating to societies, in respect of any matter contained in this act, the State Government may, as occasion arises, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

9. *Repeal of Mah. Ord. VIII of 1983 and saving.*—(1) The Maharashtra Specified Co-operative Societies (Postponement of Elections due to drought conditions in the State) Ordinance, 1983, (Mah. Ord VIII of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.

THE MAHARASHTRA VACANT LANDS (FURTHER) INTERIM PROTECTION TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS OF RENT) (SECOND EXTENSION OF DURATION) ORDINANCE, 1983.

Published in the Maharashtra Government Gazette, Extraordinary Part IV, dated October 6, 1983.

MAHARASHTRA ORDINANCE NO. XVII OF 1983.

An Ordinance to extend the duration of the Maharashtra Vacant lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980.

Whereas both Houses of the State Legislature are not in session ;

And Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to extend the duration of the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 Mah. XVI of 1980;

And Whereas the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Second Extension of Duration) Ordinance, 1983.**

(2) It shall come into force at once.

2. *Amendment of section 1 of Mah. XVI of 1980.*—In section 1 of the Maharashtra Vacant Lands (Further Interim Protection of Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980, (Mah. XVI of 1980.) in sub-section (3), for the words, figures and letters “the 30th September 1983” the words, figures and letters “the 30th September 1984” shall be substituted.

STATEMENT

The validity of the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975 (Mah. LXVI of 1975) was challenged in the Bombay High Court and the High Court on the 8th February 1980, struck it down. The State Government has filed an appeal in the Supreme Court, and the Supreme Court has on the 15th February 1980 granted an interim stay in respect of any action on the basis of the Judgement and Order of the High Court, as if the said Judgement and Order were not delivered. The appeal is still pending in the Supreme Court.

2. In the meanwhile, lakhs of occupiers of lands and structures covered by the definition of “vacant land” in the Act, situated in the Bombay Metropolitan Region and other urban areas were likely to be adversely affected and till the final decision of the Supreme Court was available, they would have been without any protection from indiscriminate eviction and sudden and heavy claims of arrears of rent or compensation under other laws in force. In the circumstances, the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from

Eviction and Recovery of arrears of Rent) Act, 1980 (Mah. XVI of 1980) has been enacted, with effect from the 6th March 1980, which as originally enacted was to remain in force upto the 31st March, 1981.

3. There has been some litigation on the question whether the stay order granted by the Supreme Court has the effect of reviving the Act. As the Supreme Court had not finally decided the appeal and the duration of Maharashtra Act XVI of 1980, as further extended, was about to expire on the 31st March 1983, the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) (Extension of Duration) Act of 1983 (Mah. XXI of 1983) was enacted and the duration of the Act of 1980 now stands further extended upto 30th September 1983.

4. The appeal was heard by the Supreme Court in November 82 but the Court reserved the Judgment which is not delivered so far. As the Supreme Court has not as yet finally decided the appeal, it is considered necessary to continue the interim protection given to the occupiers by the Act of 1980 by twelve months till the 30th September 1984 to enable Government to consider the situation and to take suitable measure, after the final decision of the Supreme Court is available.

5. As both Houses of the State Legislature are not in session and it is necessary to take immediate action to extend further the duration of the Act of 1980 in time, for the purposes aforesaid, this Ordinance is promulgated.

IDRIS H. LATIF,

Dated the 28th September 1983.

Governor of Maharashtra,

**THE BOMBAY MUNICIPAL CORPORATION
(AMENDMENT), ORDINANCE, 1983**

Published in the Maharashtra Government Gazette, Part IV, dated October 25, 1983.

MAHARASHTRA ORDINANCE No. XVIII OF 1983.

An Ordinance further to amend the Bombay Municipal Corporation Act.

Whereas both Houses of the State Legislature are not in session :

And Whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act (Bom. III of 1888) for the purposes hereinafter appearing;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Municipal Corporation (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 3 of Bom. III of 1888*—In section 3 of the Bombay Municipal Corporation Act (hereinafter referred to as "the principal Act"), in clause (d), after the words "and includes" the words, brackets and figures "an Additional Municipal Commissioner appointed under sub-section (3) of section 54 and" shall be inserted.

3. *Amendment of section 19 of Bom. III of 1888*—In section 19 of the principal Act, in sub-section (1), in clause (b), for the words "forty-five days" where they occur in both the places in paragraphs (iv) and (vi), the words "thirty days" shall be substituted.

4. *Amendment of section 25 of Bom. III of 1888*—(1) Section 25 of the principal Act shall be re-numbered as sub-section (1), and in sub-section (1), as so renumbered, for the words "Fifteen days" the words "Seven days" shall be substituted.

(2) After sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

"(2) The notice referred to in sub-section (1) shall, in addition to the day fixed for election, specify the day on which the poll shall, if necessary, be taken, which shall be a day not earlier than the twenty first day after the day fixed for the election."

5. *Amendment of section 27 of Bom. III of 1888*—In section 27 of the principal Act, in sub-section (1), for the words "a poll shall be taken twenty-one days after the day fixed for the election." the words "a poll shall be taken on any day, being a day not earlier than the twenty-first day, after the day fixed for the election." shall be substituted.

6. *Insertion of section 27AA in Bom. III of 1888*—After section 27A of the principal Act, the following section shall be inserted, namely :—

"27AA *Prohibition of public meetings on the day preceeding the day of poll and on the day of poll*—(1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees."

7. *Amendment of section 28 of Bom. III of 1888*—In section 28 of the principal Act, in clause (a), for the words "votes shall be given by ballot and in person." the words and figures "votes shall be given by ballot in such manner as may be prescribed by the rules made under section 29" shall be substituted.

8. *Amendment of section 54 of Bom. III of 1888*—In section 54 of the principal Act, after sub-section (2), the following sub-sections shall be added, namely :—

"(3) The State Government may appoint one or more persons to be called Additional Municipal Commissioners who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner."

(4) The terms and conditions of a person appointed as Additional Municipal Commissioner shall be such as may from time to time be determined by the State Government by general or special order.

(5) Subject to the provisions of sub-section (4), every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

9. *Amendment of section 68 of Bom. III of 1888.*—In section 68 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

“(4) (a) The Commissioner may, for the purpose of exercise of the powers or performing or discharging the duties or functions conferred or imposed upon or vested in him under sub-sections and clauses of certain sections mentioned in clause (b) and subject to such conditions and limitations, if any, authorise by general or special order in writing any officer not below the rank of an Assistant Assessor and Collector; and in those sub-sections and clauses, the word “Commissioner” shall to the extent to which any such officer is so authorised, be deemed to include such officer.

(b) The sub-sections and clauses of sections of this Act, referred to in clause (a) are the following, namely :—

Section 26, clauses (a), (c), (e) and (f) of sub-section (2).

“ 26A, sub-sections (1) and (2).

“ 28, clauses (h) and (k).

“ 28H, sub-section (1).

“ 28I, sub-section (1).

10. *Amendment of section 80A of Bom. III of 1888.*—In section 80A of the principal Act,—

(1) in sub-section (1),—

(a) for the words, letters and figures “whose minimum monthly salary exclusive of allowances is or exceeds Rs. 600,” the words “to the posts with a minimum monthly salary exclusive of allowances of rupees one thousand two hundred or more,” shall be substituted

(b) in the proviso, for the words “for loan works carrying a monthly salary of rupees six hundred or more exclusive of allowances” the words “to the posts for loan works with a minimum monthly salary exclusive of allowances, of rupees one thousands two hundred or more” shall be substituted;

(2) in sub-section (2), in the second proviso, for the words “carrying a monthly salary of more than two hundred rupees” the words “to a post carrying a monthly salary of more than six hundred rupees” shall be substituted.

11. *Amendment of section 80B of Bom. III of 1888.*—In section 80B of the principal Act,—

(1) in sub-section (1),—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) the power of appointment to which vests in the Corporation or the Standing Committee and the minimum monthly salary, exclusive

of allowances, for which is rupees one thousand two hundred per mensem or more, or";

(b) in clause (b), for the letters and figures "Rs. 500" the words "rupees seven hundred and fifty" shall be substituted;

(c) in the proviso, for the letters and figures "Rs. 1,000" the words "rupees one thousand five hundred" shall be substituted;

(2) in sub-section (2), for the word "ministerial" the word "non-technical" shall be substituted.

STATEMENT

Under section 22 (1) of the Bombay Municipal Corporation Act (Bom. III of 1888), the general ward elections of councillors of the Municipal Corporation of Greater Bombay are to be held in the months of January to March 1984. There were formerly 140 wards in the Bombay Municipal Corporation area. On account of the delimitation of the wards recently notified on 20th August 1983, the number of wards has now increased to 170. For the purpose of holding ward elections, the State Government specifies under section 19 the date for adoption of the Assembly roll for the time being in force. Thereupon the Municipal Commissioner divides the Assembly rolls into different sections corresponding to the different wards in Greater Bombay and publishes them as draft ward rolls. Under section 19(1)(b)(iv) and (vi), addition, amendment, transposition or deletion of any entry in any draft ward roll can be made during forty-five days from the date of publication of the draft ward roll. After expiry of forty-five days as aforesaid, the draft ward rolls corrected by the designated officer in accordance with his orders made in that behalf, and authenticated by him are available to the Commissioner who publishes them as final ward rolls. The final ward rolls so published are collectively deemed to be the municipal election roll. The general ward elections are fixed by the Commissioner only after the municipal election roll is so prepared.

2. The Assembly rolls as per the programme issued by the Election Commission of India are expected to be finally published sometime in the last week of November 1983. The process of preparing municipal election roll under section 19 can start only after the end of November 1983. The Secondary and Higher Secondary School Certificate Examinations are likely to commence from the second week of March 1984 and the school or college premises which are normally used for locating the polling booths, etc. will not be available in the latter half of March 1984. The general ward elections will have therefore, to be held and completed, before the end of the first week of March 1984. Having regard to these factors and with a view to ensuring that the elections are held in the months of January to March 1984, it is expedient to reduce the period of 45 days prescribed in relation to the preparation and finalisation of ward rolls as aforesaid, to 30 days. Similarly, it is necessary to reduce the period of notice to be given of the date fixed for ward elections from 15 days prescribed under section 25, to 7 days.

3. In matters of municipal elections, the Commissioner himself has to exercise the powers or perform or discharge the duties or

functions conferred or imposed upon or vested in him under the Act. Under section 56, the Commissioner can depute to the Director or Deputy Commissioner or Additional Deputy Commissioner to exercise such of his powers and perform such of his duties as the Commissioner may depute. The deputation by the Commissioner of his powers and duties to the Deputy Municipal Commissioners in the last municipal general election was found to be inadequate to cope up with the enormous volume of work connected with the conduct of general elections. The task of conducting the ensuing general ward elections will be all the more difficult on account of the increase in the number of wards and voters. It is, therefore, necessary to empower the Municipal Commissioner to delegate some officers some of his powers and duties in relation to the conduct of elections and for that purpose to amend section 68 suitably.

4. There is an enormous workload on the Municipal Commissioner in carrying out the administrative actions in their proper perspective. It is considered necessary to provide for appointment of one or more Additional Commissioners to assist him and for that purpose to amend section 54 suitably.

5. At present, the Corporation, the Standing Committee or the Municipal Commissioner or the Bombay Electric Supply and Transport Committee cannot make any appointment to any post, the minimum monthly salary, exclusive of allowances, of which is Rs. 400 or Rs. 500, respectively, except after consultation with the Maharashtra Public Service Commission. In view of the recent upward revision of pay scales of the municipal officers and servants the quantum of minimum monthly salary exclusive of allowances would exceed Rs. 400 or Rs. 500 in respect of a large number of posts and it would not be administratively convenient to make appointments to all these posts only after consultation with the commission, and if the posts remain vacant for a long time the administration would suffer. Sections 80A and 80B are therefore required to be suitably amended with immediate effect, so as to ensure smooth functioning of the administration.

6. In order, therefore, to enable the Commissioner to hold the general ward elections in time after preparation of the municipal election roll and to meet the administrative exigencies of the municipal administration, it is necessary to amend the Act immediately.

7. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, for the purposes aforesaid, this Ordinance is promulgated

IDRIS H. LATIF,

Governor of Maharashtra.

Dated 25th October, 1983.

END

PART VII

BIHAR ACTS, ORDINANCES & NOTIFICATIONS

1983

THE BIHAR BUILDING (LEASE, RENT AND EVICTION) CONTROL ORDINANCE, 1982

The following Ordinance was published in the Bihar Gazette, Extraordinary dated November 5, 1982.

BIHAR ORDINANCE NO. 63 OF 1982

Preamble.—Whereas, the Legislature of the State of Bihar is not in session;

And Whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to revive with suitable amendments the provision of Bihar Building (Lease, Rent and Eviction) Control Act, 1977 which expired on 31st March 1981;

And, Whereas, the instructions of the President have been obtained under the proviso of clause (1) of Article 213 of the Constitution of India;

Now, Therefore, in exercise of the powers conferred by clause (i) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Bihar Building (Lease, Rent and Eviction) Control Ordinance, 1982.

(2) It applies to the whole of the State of Bihar.

(3) Section 28 shall come in force immediately and the remaining provisions of this Ordinance shall be deemed to have come into force on the 1st of April, 1981 and shall continue to remain in force:

Provided that the period between expiration of the Bihar Building (Lease, Rent and Eviction) Control Act 1977 (Bihar Act XVI of 1977) and the commencement of this Ordinance shall not—

(a) render recoverable any sum which during the continuation thereof was recoverable or affect the right of a tenant to recover any sum of which during the continuance of that Act was recoverable by him thereunder ; or

(b) affect any liability incurred under that Act or any punishment incurred in respect of any contravention of that Act or any order made thereunder; or

(c) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid;

and any such investigation or legal proceeding may be instituted, continued, or enforced and any such punishment may be imposed as if that Act has not expired.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Appellate authority” means in respect of any local areas the Collector of the district in which such areas are situated and includes any other officer empowered by the State Government to perform the functions of an appellate authority;

(b) “Building” means any building or hut, a part of the building or hut, let or to be let separately for residential or non-residential purposes, and includes—

(i) the garden, grounds, and outhouses, if any appurtenant to such building or hut or part of such building or hut; and

(ii) any furniture supplied by landlord for use in such building or hut or part of a building or hut;

(c) “Controller” means in respect of any local areas comprised within the limit of subdivision the Subdivisional Officer Incharge of the Subdivision, and includes any other officer appointed in this behalf by the State Government to perform the functions of a Controller under this Ordinance.

(d) “Court” means the Court having jurisdiction under the Code of Civil Procedure, 1908 (Act V of 1908), to entertain a suit by a landlord against a tenant for recovery of possession of building in respect of which a suit or application is filed under this Ordinance;

(e) “fair-rent” means the rent of a building determined or re-determined under section 5, 6 or 7;

(f) “Landlord” includes the person who for the time being is receiving or is entitled to receive, the rent of a building whether on his own account or on behalf of another or on account or on behalf of for the benefit of himself and others or as an agent trustee, executor, administrator, receiver, guardian or who would so receive the rent or be entitled to receive the rent if the building were let to a tenant;

(g) “prescribed” means prescribed by rules made under this Ordinance; and

(h) “tenant” means any person by whom, or on whose account rent is payable for a building and includes—

(i) a person continuing in possession after the termination of the tenancy in his favour; and

(ii) a person who occupies a building as an employee of the landlord of such building either on payment of rent or otherwise.

(iii) In the event of the death of the person continuing in possession after the termination of his tenancy subject to the order of succession and condition specified respectively, in Explanations I and II to this clause, such of the aforesaid persons—

(a) spouse,

(b) son or unmarried daughter, or where there are both of them;

(c) parents,

(d) daughter-in-law, being the widow of predeceased son, as had been ordinarily residing in the premises with such person as a member

or members or his family up to the date of his death, but does not include any person against whom an order or decree for eviction has been made.

Explanation I.—The order of succession in the event of the death of the person continuing in possession after the termination of his tenancy shall be as follows:—

- (a) firstly his surviving spouse;
- (b) secondly, his son or unmarried daughter, or both if there is no surviving spouse, or if the surviving spouse did not ordinarily reside with the deceased person as a member of his family up to the date of his death;
- (c) thirdly, his parents, if there is no surviving spouse, son or unmarried daughter of the deceased person, or if such surviving spouse, son or unmarried daughter or any of them, did not ordinarily reside in the premises as a member of the family of deceased person up to the date of his death; and
- (d) fourthly, his daughter-in-law, being the widow of his predeceased son, if there is no surviving spouse, son, unmarried daughter or parents of the deceased person, or if such surviving spouse, son, unmarried daughter or parents, or any of them did not ordinarily reside in the premises as a member of the family of the deceased person up to the date of his death.

Explanation II.—If the person, who acquires by succession, the right to continue in possession after the termination of the tenancy, was not financially dependent on the deceased person on the date of his death, such successor shall acquire such right for a limited period of one year, and, on the expiry of the period or on his death, whichever is earlier, the right of such succession to continue in possession after the termination of the tenancy shall become extinguished.

Explanation III.—For the removal of the doubts, it is hereby declared that—

(a) where due to Explanation II, the right of any successor to continue in possession after the termination of the tenancy is extinguished, such extinguishment shall not affect the right of any other successor of the same category, the right to continue in possession after the termination of the tenancy shall not, on such extinguishment, pass on to any other successor specified in any lower category or categories as the case may be.

(b) the right of every successor, referred to in Explanation I, to continue in possession after the termination of the tenancy, shall be personal to him/her and shall not on the death of such successor devolve on any of his heirs.

3. *Premium, salami, fine or advance of more than one month's rent not to be claimed or received*—It shall not be lawful for any person to claim or receive, in consideration of the grant, renewal or continuance of a tenancy of any building, the payment of any premium, salami, fine or any sum exceeding one month's rent of such building as rent, in advance.

4 *Enhancement of rent of buildings.*—Notwithstanding anything contained in any agreement or law to the contrary, it shall not be lawful for any landlord to increase or claim any increase in the rent, which is payable for the time being, in respect of any building except in accordance with the provisions of this Ordinance.

5 *Determination of fair rent of building in occupation of tenants.*—

(1) When, on application by the landlord or by the tenant in possession of a building or otherwise, the Controller has reason to believe that the rent of that building is low or excessive, he shall hold a summary enquiry and record a finding.

(2) If, on a consideration of all the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to the rent, the Controller is satisfied that the rent of the building is low or excessive he shall determine the fair rent for such building.

6 *Determination of fair rent of buildings not in occupation of tenants.*—The Controller may, on his own motion, and shall on the application of the landlord or a prospective tenant and after making such enquiry, as he may think fit, determine the fair rent for any building not in the occupation of a tenant.

7 *Redetermination of fair rent in certain cases.*—(1) If, at any time after the fair rent of a building has been determined under section 5 or 6, it appears to the Controller that subsequent to such determination some addition, improvement or alternation not included in the repairs, which the landlord is bound to make under any law, contract or custom, has been made to the building at the landlord's expense the Controller may, after making such inquiry, as he thinks fit, redetermine the fair rent of the building.

(2) Any increase in the fair rent allowed under sub-section (1) shall not in any month exceed $\frac{5}{8}$ th per cent of the cost of the addition, improvement or alternation.

8 *Matters to be considered in determining fair rent.*—(1) (a) For the purposes of this Ordinance the fair rent of a building shall be determined as for a tenancy from month to month.

(b) The fair rent of a building shall be determined in accordance with the rules framed for this purpose.

(c) In determining the fair rent of any other building under section 5 or 6, the Controller shall have due regard to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances at any time during the twelve months preceding the first day of December 1980, and to the increased cost of repairs, and in the case of a building which has been constructed after that date, also to any general increase in the cost of site and building construction:

Provided that where the Controller is satisfied, on an application made to him by the landlord under section 5, that the rent of a building referred to in this clause is low, the Controller shall, in determining the fair rent of such building to be payable by a tenant, fix the rent of the building at a figure which shall not be less than the average monthly rent actually paid for the same or similar accommodation by any tenant over the period of twelve months preceding the first day of

December, 1980, increase by not more than 25 per cent of the average monthly rent so received by the landlord during the aforesaid period in addition to the enhancement, if any, on account of the increase cost of repairs or the general increase in the cost of sites and building construction, where such enhancement is admissible under the foregoing provision of this clause.

Explanation. (1)—For the purposes of this clause, where rent was charged by the landlord or actually paid by the tenant for the same building over the aforesaid period on any other than a monthly rent for such building shall be calculated at thirty times the average rent per day of the period in respect of which the rent was charged or actually paid.

(2) When the fair rent of a building has been determined or redetermined, any sum in excess or short of such fair rent paid, in respect of occupation for any period after such date shall, in case of excess, be refunded to the person by whom it was paid or at the option of such person be otherwise adjusted and, in case of shortage be realised by the landlord as arrears of rent from the tenant:

Provided that if a building is let out subsequent to the determination or redetermination of fair rent, on a rent which is less than the fair rent, so determined or redetermined the landlord shall not be entitled at any time to realise the difference between the fair rent at which the tenant was admitted to occupation.

9. *Directions for repairs to the building.*—(1) Every landlord shall carry out the repairs which he is bound, under any law, contract or custom, to make to a building in the possession of tenant.

Explanation.—In this sub-section "repairs" include annual white-washing, recolouring and periodical repairs.

(2) If the landlord fails to carry out annual white-washing, recolouring and periodical repairs, which he is bound to make, the tenant may by notice require him to carry out the same within one month from the date of service of the notice and, on the landlord's failure to do so within the said period, the tenant may himself carry out the same at a cost not exceeding one month's rent for the building and deduct such cost from the rent.

(3) If the landlord neglects to carry out repair, other than those referred to in sub-section (2), which he is bound to make, the Controller shall, on application by the tenant, which shall specify the approximate cost of such repairs, cause a notice to be served on the landlord to appear and show cause, within such time as may be fixed against the application.

(4) If the landlord does not appear in obedience to the notice or he appears but fails to satisfy the Controller as to why he should not be directed to carry out the repairs or such of them as he finds the landlord is bound to make, the Controller shall after making such further inquiry as may be necessary direct him to carry out the same within a time to be fixed, and on the landlord's failure to comply with such direction, the Controller may permit the tenant to carry out such repairs at a cost not exceeding such amount as may be specified in the order and to recover such cost from the landlord. It shall, thereafter, be lawful for

the tenant to make such repairs and to deduct the cost from the rent or to recover it otherwise from the landlord as if it were a debt due to him by the landlord :

Provided that if the Controller is satisfied that the repairs involved were due to the negligence of the tenant, he will order the tenant to make such repairs and the cost of repair shall be borne by the tenant and the same shall not be recoverable from the landlord by deduction from the rent.

10. *Landlord not to interfere with amenities enjoyed by the tenant.*—(1) No landlord shall, without just or sufficient cause cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in possession of a building may, if the landlord has contravened the provisions of sub-section (1), make an application to the Controller complaining of such contravention and may restore any of the amenities on his own responsibility, pending consideration of his application by the Controller.

(3) If the Controller on enquiry is satisfied that the landlord has with just or sufficient cause cut off or withheld any of the amenities enjoyed by the tenant at the time of the commencement of the tenancy or at any time thereafter, he shall—

(i) in case such amenity has already been restored by the tenant, make an order directing the landlord to pay to the tenant the cost of such restoration as determined by him within such time as may be specified in the order; and

(ii) in any other case, direct the landlord to restore such amenity at such cost and within such time as may be determined by him and also that in case the landlord fails to do so, the amenity may be restored by the tenant at his own cost and such amount as may be specified in the order may be recovered by the tenant as the cost of the restoration either by adjustment towards the rent payable by him, or as if the amount were a debt due to him by the landlord.

Explanation—In this section 'amenities' include supply of water, electricity lights in passages and on staircases, lifts and conservancy or sanitary services.

11. *Eviction of tenants.*—(1) Notwithstanding anything contained in any contract or law to the contrary but subject to the provisions of the Industrial Disputes Act, 1947 (Act XIV of 1947), and to those of section 18, where a tenant is in possession of any building, he shall not be liable to eviction therefrom except in execution of a decree passed by the Court on one or more of the following grounds :—

(a) for breach of the conditions of the tenancy, or for sub-letting the building or any portion thereof without the consent of the landlord, or if he is an employee of the landlord occupying the building as an employee, on his ceasing to be in such employment ;

(b) where the condition of the building has materially deteriorated owing to acts of waste by, or negligence or default of, the tenant or of any person residing with the tenant or for whose behaviour the tenant is responsible ;

(c) where the building is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the building is held by the landlord :

Provided that where the Court thinks that the reasonable requirement of such occupation may be substantially satisfied by evicting the tenant from a part only of the building and allowing the tenant to continue occupation of the rest and the tenant agrees to such occupation, the Court shall pass a decree accordingly, and fix proportionately fair rent for the portion in occupation of the tenant, which portion shall henceforth constitute the building within the meaning of clause (b) of section 2 and the rent so fixed shall be deemed to be the fair rent fixed under section 5;

Explanation I—In this clause the word “landlord” shall not include an agent referred to in clause (f) of section 2.

Explanation II—Where there are two or more premises let out by the landlord, it will be for the landlord to choose which one would be preferable to him and the tenant or tenants shall not be allowed to question such preference.

(d) where the amount of two months’ rent, lawfully payable by the tenant and due from him is in arrears by not having been paid within the time fixed by contract, or in the absence of such contract, by the last day of the month next following that for which the rent is payable or by not having been validly remitted or deposited in accordance with section 16;

(e) in case of a tenant holding on a lease for a specified period, on the expiry of the period of the tenancy ; and

(f) the landlord requires the premises in order to carry out any building work at the instance of the Government or the Municipality, or Municipal Corporation or the Notified Area Committee or the Regional Development Authority or any other Authority within whose jurisdiction the building lies and such building work cannot be in possession of the building or to pay him such compensation as premises being vacated.

(2) (a) Where a servant of the Government in possession of any building as a tenant intends to vacate such building, he shall give fifteen days’ previous notice in writing of his intention to do so to the landlord and to the District Magistrate who shall, under intimation to the landlord, within a week of the receipt of the notice, either allot the building to any other servant of the Government whom the District Magistrate thinks suitable subject to the payment of rent, and the observance of the conditions of the tenancy by such servant of the Government or direct that the landlord shall be put in possession of the building :

Provided that when no such order is passed by the District Magistrate, the landlord shall be deemed to have been put in possession of the building.

(b) Where a building is vacated by a servant of the Government any person occupying such building other than the persons referred to in clause (a) shall be liable to be evicted by the District Magistrate in such manner as may be prescribed :

Provided that after a landlord has been or is deemed to have been put in possession of such building, he may let it to any person.

12. *Binding nature of the order of the Court on all persons in occupation of the building.*—Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason, whatsoever, and any order is made by the Court under this Ordinance, for the recovery of possession of such premises, the order shall be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom:

Provided that nothing in this section shall apply to any person who has an independent title to such a premises or to tenant who has been inducted with the express written permission of the landlord himself personally.

13. *The provision of section 14 to have overriding effect.*—The provisions of section 14 or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this or any other law for the time being in force.

14. *Special procedure for disposal of cases for eviction on ground of bona fide requirement.*—(1) Every suit by a landlord for the recovery of possession of any premises on the ground specified in clause (c) or (e) of sub-section (11) shall be dealt with in accordance with the procedure specified in this section.

(2) The Court shall issue summons in the prescribed form in every suit referred in sub-section (1) without delay.

(3) (i) The Court shall, in addition to, and simultaneously with, the issue of summons for service on the tenant or tenants, also direct the summons to be served by registered post with acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in the official Gazette or in newspaper circulating in the locality, in which the tenant is last known to have resided or carried on business or personally worked for gain.

(ii) When an acknowledgment purporting to be signed by the tenant or his agent is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent has refused to take delivery of the registered article, the Court may declare that there has been a valid service of summons.

(4) The tenant on whom summons is duly served (whether by ordinary mail or by registered post) shall not contest the prayer for eviction from the premises unless he files an affidavit stating the ground on which he seeks to make such contest and obtains leave from the Court as hereinafter provided; and in default of the appearance in pursuance of the summons or his obtaining such leave the statement made by the landlord in the suit for eviction shall be deemed to be admitted by the tenant and the landlord shall be entitled to an order for eviction on the ground aforesaid.

(5) The Court shall give to the tenant leave to contest the suit if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for eviction on the grounds specified in clauses (c) and (e) of sub-section (1) of section 11.

(6) When leave is granted to the tenant to contest the suit, the latter may, within fifteen days from the date of the order, pray after filing the requisite Court-fee, required for a written statement that the affidavit may be treated as the written statement or if he chooses to file a separate written statement he may do so within fifteen days of the grant of leave to contest the suit and if he does not file the written statement within the period he shall not be allowed to do so later. The Court shall thereafter commence the hearing of the suit as early as practicable.

(7) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) or any other law, the Court while hearing a suit under this section shall follow the practice and procedure of a Court of Small Causes including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made in accordance with procedure specified in this section :

Provided that on an application being made within sixty days of the date of the order of eviction, the High Court may, for the purpose of satisfying itself that an order under the section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court in revision as laid down in sub-section (8) above, the Court, which passed the order for eviction may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil procedure, 1908 (V of 1908) :

Provided that no such review shall be made unless an application is filed for the same within ninety days of the date of order of eviction.

15. *Deposit of rent by tenants in suit for ejectment.*—(1) If, in a suit for recovery of possession of any building, the tenant contests the suit as regards claim for ejectment, landlord may move an application at any stage of the suit for order on the tenant to deposit rent month by month at a rate at which it was last paid and also, subject to the law of limitation, the arrears of rent, if any, and the Court after giving opportunity to the parties to be heard, may make any order for deposit of rent month by month at such rate as may be determined and the arrears of rent, both of before and after the institution of the suit, if any, and on failure of the tenant to deposit the arrears of rent within fifteen days of the date of the order or the rent at such rate for any month by the fifteenth day of the next following month, the Court shall order the defence against ejectment to be struck off and the tenant to be placed in the same position as if he had not defended the claim to ejectment and further the Court shall not allow the tenant to cross-examine the landlords witnesses.

(2) If in any proceeding referred to in sub-section (1), there is any dispute as to the person or persons to whom the rent is payable the Court may direct the tenant to deposit in Court the amount payable by him under sub-section (1) and in such case no person shall be entitled to withdraw the amount in deposit until the Court decides the dispute and makes an order for payment of the same.

(3) If the Court is satisfied that any dispute referred to in sub-section (2) has been raised by a tenant for reasons which are false or frivolous the Court may order the defence against the eviction to be struck off and proceed with the hearing of the suit as laid down in sub-section (1).

16. *Deposit of rent determined by the Controller during the pendency of appeal or revision.*—(1) Where the fair rent of any building has been determined by the Controller under the provisions of this Ordinance and the tenant prefers an appeal to the appellate authority against the order of the Controller or makes an application for revision to the Commissioner against the order of the appellate authority, as the case may be, it shall be required of the tenant to pay the rent at the rate fixed by the Controller month to month by the fifteenth day of the following month, together with arrears, if any, and he may deposit such rent in the prescribed manner stating the circumstances in which such deposit is made until the dispute regarding the fair rent has been settled between the parties.

(2) The appellate authority or the Commissioner may, after giving an opportunity to the parties to be heard, make an order for deposit of rent at such rate as may be determined, month by month and arrears of rent, if any, and in case of non-compliance of this order, the appellate authority or the Commissioner shall order the defence against the fair rent order to be struck off. The landlord may apply for permission to withdraw the amount of rent so deposited without prejudice to any other legal remedy to which he is otherwise entitled and the court may permit him to do so.

17. *When a tenant is entitled to restoration of possession and compensation.*—Where the landlord recovers possession of any building from the tenant by virtue of a decree secured because of clause (c) and (e) of sub-section (1) of section 11 and the building is not occupied by the landlord, or by the person for whose benefit the building is held, within one month of the date of vacation of the building by such tenant, or the building, having been so occupied, is relet within six months of the date of such occupation to any person other than such tenant without the permission of the Controller, the Court may, on the application of such tenant made within one month of his vacating the building, and giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of the building or to pay him such compensations as may be fixed by the Court or both.

18. *Extension of period limited by lease.*—(1) If a tenant in possession of any building, held on a lease for a specified period, intends to extend the period limited by such lease, he may give the landlord at least one month before the expiry of the period limited by the lease, a written notice of his intention to do so, and upon the delivery of such notice the said time shall subject to the provision of section 11 be deemed to have been extended by double the period covered by the original lease subject to a maximum of one year only.

(2) Where the landlord to whom notice has been given under sub-section (1) wishes to object to the extension demanded by the tenant on one or more of the grounds mentioned in sub-section (1) of section

11 or on the ground that the landlord has any other good and sufficient cause for terminating the lease on the expiry of period limited thereby, he may, within fifteen days of the delivery of such notice, apply to the Court in that behalf and the Court after hearing the parties may terminate the lease or extend the same for such period as it deems proper in the circumstances :

Provided that the tenant shall not in any case be allowed to remain in possession of the building beyond the period permissible under sub-section (1).

(3) If the tenant fails to vacate the building on the termination of lease or as the case may be on the expiry of the period fixed by the Court under sub-section (2), the Court shall on an application by the landlord, pass an order for ejectment, which shall be executed as a decree and may further order that the tenant shall pay to the landlord such amount as may be determined by it as daily compensation.

19. *Deposit of rent by tenant on refusal of the landlord to accept it or in case of doubt or dispute as to the person entitled to receive it.*—

(1) When a landlord refuses to accept any rent lawfully payable to him by a tenant in respect of any building, the tenant may remit such rent, and continue to remit any subsequent rent which becomes due in respect of such building, by postal money order to the landlord.

(2) Where any bona fide doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any building, the tenant may deposit such rent in the prescribed manner, stating the circumstances under which such deposit is made, and, may until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties, continue to deposit in like manner, the rent that may subsequently become due in respect of such building.

(3) When a deposit has been made under sub-section (2), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute, which has arisen as to the person, who is entitled to receive the rent either by the decision of a competent Court or by settlement between the parties and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is held by the Controller to be entitled to it in accordance with such settlement.

20. *Tenant making payment of rent entitled to receipt.*—(1) Every tenant who makes a payment on account of rent to his landlord shall be entitled to obtain forthwith from the landlord a receipt in the prescribed form for the amount of rent paid by him, duly signed by the landlord or his appointed agent.

(2) If a landlord, without reasonable cause fails to deliver the tenant a receipt, as required by sub-section (1), such landlord shall be liable to fine not exceeding double the amount of rent so paid to be imposed after summary inquiry by the Controller upon a complaint of the party aggrieved within three months from the date of such failure.

21. *Controller to maintain list of fair rents.*—(1) The Controller shall maintain up-to-date list showing the fair rents of buildings as determined or re-determined by him from time to time under this Ordinance.

(2) A copy of the list shall remain in the office of the Controller available for inspection free of charge, during office hours, and copies of the entries in such list may be granted by the Controller on payment of such charge, not exceeding rupee one per copy, as may be fixed by the Controller.

22. *Powers of Controller to make enquiries and inspections.*—(1) For the purpose of any enquiry under this Ordinance, the Controller may—

(a) enter and inspect any building at any time between sunrise and sunset or authorise any officer subordinate to him to so enter and inspect any building;

Provided that no building shall be entered, without the consent of the occupier, unless at least twentyfour hours previous notice in writing has been given and.

(b) by written order, require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the enquiry, at such time and at such place as may be specified in the order.

(2) The Controller shall, in so far as such powers are necessary for carrying out the provisions of this Ordinance, have power to summon and enforce the attendance of witnesses and to compel the production of documents in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908 (V of 1908).

23. *Execution of orders of Controller and Commissioner.*—Every order of the Controller passed under this Ordinance, where no appeal against such order has been preferred under section 24, every order of the appellate authority on appeal under section 24 and every order of the Commissioner passed in revision under section 26 shall be executed by the Court as if such order were a decree passed by such Court.

24. *Appeal.*—(1) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of receipt of such order by him, prefer an appeal in writing to the appellate authority.

(2) On such appeal being preferred, the appellate authority, may—

(a) after perusing the memorandum of appeal and hearing the appellate, if necessary, summarily dismiss the appeal, or

(b) call for the records of the case from the Controller and after examining such records and, if necessary, making such further enquiry as he thinks fit decide the appeal.

(3) Subject to the provision of section 26 the decision of the appellate authority and subject only to such decision, where an appeal lies, an order of the Controller shall be final, and shall not be liable to be questioned in any Court of Law whether in suit or other proceeding by way of appeal or revision.

25. *Award of costs.*—In every order passed by the Controller under this Ordinance, and, every order of the appellate authority or the Commissioner passed on appeal under section 24 or in revision under section 26, as the case may be, the authority passing such order may, if it thinks fit award cost to the person in whose favour the order is passed and the cost so awarded shall include such sum as compensation for the expense, trouble and loss of time incurred in, or incidental to, the hearing of the case as the authority may deem just and

reasonable.

26. *Power of revision of Commissioner.*—Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Commissioner may, either of his own motion or on application made to him in this behalf; revise any order passed by the Controller or by the appellate authority on appeal under this Ordinance.

27. *Notice to landlord or tenant by Controller before exercising powers under this Ordinance.*—Before exercising any of the powers conferred by this Ordinance the Controller shall give notice of his intention to do so to the landlord and to the tenant, if any, and shall consider any application that may be received by him, within the period specified in the notice, from such landlord or tenant or from any other person likely to be affected by the exercise of such powers and shall hear the applicant, if so desired by him.

28. *Penalties.*—(1) If any person contravenes any of the provisions of this Ordinance, he shall, except as otherwise provided in section 20, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(2) Whoever fails to comply with any direction made or deemed to have been made under this Ordinance shall be punishable with imprisonment for a term which may extend to one year or with fine or with both :

Provided that the Court trying any offence under this section may order the whole or any part of the fine recovered to be applied to the payment to any person as compensation for any loss caused by the offence.

29. *Supply of certified copies of orders and decisions of Controller and Commissioner.*—Any person affected by any order of the Controller or any decision of the appellate authority on appeal or any order of the Commissioner in revision made or passed under this Ordinance shall be entitled to be furnished with a copy thereof duly certified by the Controller, the appellate authority or the Commissioner as the case may be, to be a true copy, on payment of such fee as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller, the decision of the appellate authority on appeal or the order of the Commissioner in revision, as the case may be.

30. *Decisions which have become final not to be reopened.*—The Controller shall summarily reject any application which raises substantially the same issues as have been heard and finally decided in a former proceeding under this Ordinance between same parties under whom they or any of them claim.

31. *Protection of action taken under the Ordinance.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to have been made under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Government for any damage which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Ordinance.

32. *Ordinance not to apply to buildings owned by Government and Trusts.*—Nothing contained in this Ordinance shall apply to a tenant whose landlord is the local authority or the State Government or the Central Government or the Bihar State Shwetamber Jain Trust Board or Bihar State Digamber Jain Trust Board or the Wakf which may be under the Bihar State Wakf Boards.

33 *Power to make Rules.*—(1) The State Government may make rule for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:—

(a) the manner of depositing rent under sub-section (2) of section 19 and the manner of service of notice of such deposit of rent on the landlord ;

(b) the form of receipt on account of payment of rent under this Ordinance.

(c) charging or remitting of costs and fees under this Ordinance and the fixing of the amount or the scale of such costs and fees;

(d) the manner of exercising the powers of revision by the Commissioner under section 26 ;

(e) any other matter by this Ordinance required or expressly or impliedly authorised, to be prescribed

Dated 4th November, 1982

A. R. KIDWAI,
Governor of Bihar

Published in the Bihar Gazette, Extra, dated December 3, 1982
THE BIHAR BRICKS SUPPLIES (CONTROL) ORDINANCE, 1982,
BIHAR ORDINANCE, NO. 65 OF 1982.

An Ordinance to Control the Supply of Bricks in Bihar

Preamble.—Whereas, the Legislature of State of Bihar is not in session;

And, Whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for controlling the supply of bricks in Bihar and for matters incidental thereto;

And, whereas, the instructions of the President have been obtained under the proviso to clause (1) of Article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(i) This Ordinance may be called the Bihar Bricks Supplies (Control) Ordinance, 1982.

(ii) It extends to the whole of the State of Bihar.

(iii) It shall come into force immediately.

2 *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) “Brick means common burnt clay building bricks in a kiln and having geometrical shape, metric size and specification as per I 1077—1970 or any revision thereof;

(b) “Kiln” means structure used for firing bricks;

(c) "Dealer" means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent;

(d) "Kiln" means structure used for firing bricks;

(c) "Dealer" means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent;

(d) "Manufacturer" means a person engaged in the manufacture of bricks in kiln.

3. *Power of State Government to control; supply, distribution and consumption of bricks*—The State Government, in so far as it appears to it to be necessary or expedient for controlling the supply of bricks or for securing their equitable distribution and availability at reasonable prices, may, by order published in the official Gazette, provide for—

(a) regulating by licences, permits or otherwise the manufacture, distribution, transport, equitable disposal and consumption of bricks;

(b) controlling the prices at which bricks may be bought or sold;

(c) collecting any information or statistics with a view to regulating the aforesaid matters ;

(d) requiring manufacturers, dealers or kiln-owners to maintain and produce for inspection such accounts and records regarding bricks and furnishing such information relating thereto, as may be specified in the order;

(e) controlling the size and type of bricks to be manufactured to ensure economy in consumption of essential materials;

(f) entering and searching of premises and vehicles, seizure by a person authorised to make such search of bricks in respect of which such person has reason to believe that contravention of any order made under this Ordinance has been, is being or is about to be committed, the grant or issue of licences, permits and other documents and the charging of fees therefor; and

(g) any incidental and supplementary matters connected with the provisions in clauses (a), (b), (c), (d), (e) and (f).

4. *Delegation of powers*.—The State Government may, by notification published in the official Gazette, direct that the power to make orders under section 3 shall, in relation to such matter and subject to such conditions, if any, as may be specified in the order, be exercisable by such office or authority as may be specified in the order.

5. *Provisions of section 3 to prevail over other laws*.—The provisions of section 3 shall have effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

6. *Penalty for contravention of the provisions of section 3*—If any person contravenes or abet the contravention of any order section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs 2,000 or with both and the movable property or any part of such property in respect of which the order is contravened may also be forfeited to the State.

Explanation.—The expression "Person" in this section, includes company or of body corporate and every Director, Secretary or other officer or agent thereof.

7. *False statement*.—(1) When any person required by any order made under section 3 to make any statement or furnish any

information, which is false in any material particularly and which he knows or has reason to believe to be false, or does not believe to be true; or

(2) when any such person makes any such statement as aforesaid in any book, account, record, declaration or return of other document which he is required by such order to maintain or furnish he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs. 2,000 or with both.

8. *Offence to be cognizable.*—Offences under this ordinance shall be cognizable.

9. *Power to try offences summarily*—Any Magistrate duly empowered in this behalf shall try the offences summarily in accordance with the procedure of summary Trials laid down in Chapter XXI of the Code of Criminal Procedure, 1973

10. *Protection of action taken under the Ordinance.*—No suit prosecution or other legal proceeding shall lie against the State Government or any officer or authority for anything done in good faith or intended to be so done in pursuance of an order made under this Ordinance.

11. *Power to make rules.*—The State Government may by notification in the official Gazette make rules consistent with the provisions of this Ordinance for carrying out the purposes of Ordinance.

Date the 2nd December, 1982

A. R. KIDWAI
Governor of Bihar

Published in the Bihar Gazette Extra, dated October 20, 1982

THE BIHAR TENANTS HOLDINGS (MAINTENANCE OF RECORDS) (AMENDMENT) ORDINANCE, 1982.

BIHAR ORDINANCE NO 62 OF 1982

An Ordinance to Amend the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session;

And Whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975), in the manner hereinafter appearing;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India the Governor of Bihar is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—This Ordinance may be called the Bihar Tenant's Holdings (Maintenance of Records) (Amendment) Ordinance, 1982.

(2) It extends to the whole of the State of Bihar.

(3) It shall be deemed to have come into force with immediate effect

2. *Amendment of section 2 of the Bihar Act 28 of 1975.*—In section 2 of the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975) (hereinafter referred to as the said Act) clause (s) shall be omitted.

3. *Amendment of section 3 of the Bihar Act 28 of 1975*—(1) For sub-section 2 of section 3 of the said Act, the following shall be substituted and shall be deemed always to have been substituted, namely:—

“(2) While preparing the continuous Khatian the Anchal Adhikari shall record the rights of those under-raiyats whose rights have been duly recognised under the existing tenancy Law”.

(2) In clause (v) of sub-section 4 of section 3 for the words and figures “sections 16 and 17” the word and figure “section 16” shall be substituted.

4. *Amendment of section 8 of the Bihar Act 28 of 1975*.—At the end of section 3 of the said Act, the following explanation shall be inserted and shall be deemed always to have been inserted, namely:—

“*Explanation*.—Collector under this section means Collector under the relevant Acts.”

5. *Substitution of section 11 of the Bihar Act 28 of 1975*.—For section 11 of the said Act, the following shall be substituted, namely:—

“11. *Under-raiyat claiming to have acquired the status of “occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 to file application before the Anchal Adhikari.*—Every under-raiyat having acquired the status of an occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) shall file application in the prescribed form before the Anchal Adhikari.”

6. *Substitution of section 12 of the Bihar Act 28 of 1975*—For section 12 of the said Act, the following shall be substituted and shall be deemed always to have been substituted; namely:—

“12. *Persons claiming interest by partition effected either privately or through court or intestate or testamentary succession, transfer, exchange, agreement, settlement, lease, mortgage gift or by any other means, to file application before the Anchal Adhikari.*—After the commencement of this Act in any area every person having interest in a holding or part thereof in that area by partition effected either privately or through Court, or intestate or testamentary succession, transfer, exchange, agreement settlement, lease, mortgage, gift or by any other means, shall within three months of actual of such interest file application in the prescribed form before the Anchal Adhikari of the area in whose jurisdiction that land is situated for mutation of his name in respect of that holding or part thereof in the continuous Khatian and the Tenant's ledger Register and on receipt of such application, the Anchal Adhikari shall grant a receipt to such person.”

7. *Substitution of section 13 of the Bihar Act 28 of 1975*.—For section 13 of the said Act the following shall be substituted and shall be deemed to have always been substituted, namely,—

“13. *Mukhtiya, Circle Inspector or Karamchari to report cases of partition or intestate or testamentary succession or acquisition by any other means to the Anchal Adhikari.*—A Mukhtiya, a Circle Inspector or a Karamchari shall obtain information of cases of partition, intestate or testamentary succession or acquisition of interest by any other means

in a holding or part thereof in course of his visits to the villages within his jurisdiction and shall forthwith furnish the same to the Anchal Adhikari in the prescribed form."

8. *Substitution of section 14 of the Bihar Act 28 of 1975.*—For section 14 of the said Act, the following shall be substituted and shall be deemed always to have been substituted, namely :—

"14. (1) On receipt of notice under sections 4, 5, 6, 7, 8, 9, 10 or an application under sections 11 and 12 or a report under section 13, the Anchal Adhikari shall start a mutation proceeding and after entering it in the mutation case register which shall be maintained in the prescribed form, shall cause such enquiry to be made as may be deemed necessary.

(2) The Anchal Adhikari shall issue a general notice and also give notice to the parties concerned to file objection, if any, within fifteen days of the issue of the notice. On receipt of objection, if any, the Anchal Adhikari shall give reasonable opportunity to the parties concerned to adduce evidence, if any, and of being heard and dispose of the objection and pass such orders as may be deemed necessary.

(3) In cases in which no objections are received the Anchal Adhikari shall dispose them of within one month of the date of expiry of filing objections and in cases in which objections are received, the Anchal Adhikari shall dispose them of in not more than three months from the date of expiry of the period of filing objections.

9. *Amendment of section 15 of the Bihar Act 28 of 1975.*—(i) In sub-section (1) of section 15 of the said Act (a) for the figure "(3)", occurring after the word "sub-section" the figures "(2)" shall be substituted and (b) for the words "three months" the words "thirty days" shall be substituted.

(ii) In sub-section (3) of section 15 of the said Act, for the words and figures "sections 16 and 17", the words and figure "section 16" shall be substituted.

10. *Repeal of section 17 of the Bihar Act 28 of 1975.*—Section 17 of the said Act shall be omitted.

11. *Substitution of new section for section 20 of the Bihar Act 28 of 1975.*—For section 20 of the said Act, the following shall be substituted namely :—

"20. *Supply of Khata pustika to tenants on payment of fee.*—(1) It shall be obligatory upon every tenant whose name is entered in the continuous Khatian and the Tenant's Ledger Register prepared under section 3 of the Act to obtain a Khata Pustika in respect of his holding in a village which shall be provided to him by the Anchal Adhikari on payment of such fee as may be prescribed, within the time prescribed by the Anchal Adhikari.

(2) The Khata Pustika shall contain the following particulars and have provision for making necessary entries relating to such particulars in future :—

(i) relevant extracts of the continuous Khatian and the Tenant's Ledger Register in respect of the lands held by the tenant,

(ii) demand and realisation of rent and cesses,

(iii) loans advanced by Government or other financial institutions together with repayment made, and

(iv) events of partition, succession and transfer of land.

(3) The Khata Pustika shall be produced by the tenant before the Anchal Adhikari for updating every year in accordance with time schedule between 15th April and 30th June and the Anchal Adhikari shall after updating the same, return it to the tenant within seven days from the date it is produced before him:

Provided that the Khata Pustika shall, on application at any other time before the Anchal Adhikari and on payment of prescribed fee by the tenant, be corrected in accordance with the latest entries in the continuous Khatian and the Tenant's Ledger Register."

12. *Substitution of new section for section 23 of the Bihar Act 28 of 1975.*—For section 23 of the said Act, the following shall be substituted, namely :—

"23 *Registering Authority not to register any document unless the Khata Pustika is produced.*—(i) After the commencement of the Bihar Tenant's Holdings (Maintenance of Records) (Amendment) Ordinance, 1982 no Registering Authority shall register any instrument of transfer by way of sale, exchange, mortgage, lease, partition, gift, agreement or otherwise, of a holding or part thereof unless the Khata Pustika in respect of the holding concerned is produced by the transferor before the Registering Authority along with the instrument of transfer.

(2) The Registering Authority shall return the Khata Pustika to the transferor the same day after making necessary entries therein."

13. *Amendment of section 24 of Bihar Act 28 of 1975.*—In section 24 of the said Act for the words and figure "to give any notice under section 12" occurring after the words "If any person required" the words and figures "to file application under section 11 or 12" shall be substituted:

14. *Amendment of section 25 of the Bihar Act 28 of 1975.*—In section 25 of the said Act the words "and Sarpanch" shall be omitted.

15. *Amendment of section 26 of the Bihar Act 28 of 1975*—In section 26 of the Act the word "Commissioner" and the words "or the Sarpanch" shall be omitted.

16. *Amendment of section 28 of the Bihar Act 28 of 1975.*—In section 28 of the Act after the words "the Land Reforms Deputy Collector" the word "and" shall be added and after the words "the Anchal Adhikari" the words, "and the Sarpanch" shall be omitted.

17. *Substitution of new section for section 30 of the Bihar Act 28 of 1975.*—For section 30 of the said Act, the following section shall be substituted, namely :—

"30. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do any thing or direct any thing to be done not inconsistent with the provisions of this Act which appears to be necessary for the purpose of removing the difficulty."

18. *Amendment of section 31 to the Bihar Act 28 of 1975.*—In section 31 of the said Act, in the heading, for the words “Act to prevail over other laws”, the words “Act not to prevail over other laws”, shall be substituted.

Dated 18th October 1982.

A. R. Kidwai,
Governor, Bihar.

Published in the Bihar Gazette, Extraordinary dated February 1, 1983.

FOOD AND SUPPLY DEPARTMENT

G. S. R. 5. *The 1st February 1983.*—In exercise of the powers conferred by section 33 of the Bihar Buildings (Lease, Rent and Eviction) Control Ordinance, 1982, the Governor of Bihar is pleased to make the following Rules, namely :—

(1) These rules may be called the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1982.

(2) In these rules unless there is anything repugnant in the subject or context.—

(a) ‘Ordinance’ means the Bihar Buildings (Lease, Rent and Eviction) Control Ordinance, 1982;

(b) ‘Form’ means a form appended to these Rules;

(c) ‘Section’ means a section of the Ordinance.

(3) (i) The Controller may determine the fair rent of a building either on the application by the landlord or by the tenant in possession of the building or on his own motion as also on the application of the landlord or prospective tenant.

(ii) In determining the fair rent the controller shall take into account the following factors :—

(a) The prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances at any time during the twelve months preceding the date of his order;

(b) The increased cost of repairs required to be made in the building;

(c) The amenities, general or special, provided in the building;

(d) The compound or the open land attached to the building;

(e) The type of construction and the location of the building, and the nature of tenancy, i.e., whether it is for residential purpose or for business purpose, etc.;

(f) The municipal tax or corporation tax of the building;

(g) Any lawful agreement entered into by the landlord and the tenant.

(iii) The Controller in determining the fair rent shall follow the provisions of the Ordinance and apply the rules in accordance with them and in case of any doubt or conflict the provisions of Ordinance shall invariably prevail in determining the fair rent.

(iv) The Controller shall fix fair rent after due enquiry and after duly giving notice to the parties concerned and after providing them the opportunity of being heard.

(v) If at any time after the first fixation of standard rent the market price of the land and the cost of construction increases by more

than twenty-five per cent on the basis of the value of the land and the cost of construction estimated at the subsequent prevailing market rates, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth or the seven-half per cent of the additional increase in the original market price of the land and the cost of construction from the date as may be determined in the manner prescribed subject to a maximum of fifty per cent of the original standard rent.

(vi) If at any time after the standard rent is fixed under the provisions of the Ordinance any addition, improvement or alternation (not being repairs) is effected at the landlords' expenses which was not taken into consideration in fixing the standard rent, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth or seven-half per cent per annum of the cost of such addition, improvement or alternation with effect from the date on which the addition, improvement or alternation was completed.

(4) (i) Whenever it is necessary to evict any person under subsection 11 from a building vacated by a servant of the Government, the District Magistrate shall cause a notice in Form 1 to be served on such person directing him to vacate the building or to show cause, within a period of seven days from the date of the service of the notice why he shall not be evicted from the building.

(ii) Such notice shall be served by tendering and delivering a copy thereof to the person concerned or, where such person cannot be readily found, by tendering and delivery of a copy thereof to any adult male member of the family, who is residing with such person.

Explanation.—A servant is not a member of the family within the meaning of this sub-rule.

(iii) Where the serving officer tenders and delivers a copy of the notice under sub-rule (ii) to the person concerned or to any other adult male member of the family on his behalf, he shall require the signature of the person to whom the copy is so tendered and delivered with an acknowledgement of service endorsed on the original notice.

(iv) Where the person or such other person as aforesaid to whom a copy of the order to be served is tendered under sub-rule (2), refuses to sign the acknowledgement as required by sub-rule (3), or where the serving officer, after using due and reasonable diligence, cannot find the person and the order cannot be served without undue delay, the order shall be serviced by affixing a copy thereof to any conspicuous part of the building to which it relates or in such manner as the District Magistrate may deem fit in the circumstances of the case.

(v) Notwithstanding anything contained in this rule, the order may, if the District Magistrate so directs, be served by a registered post with acknowledgement due.

(vi) If the person occupying the building fails to vacate the building, or to show cause to the satisfaction of the District Magistrate, within the period specified in the notice, the District Magistrate may evict such person from the building and may, for that purpose, use such force as may be necessary.

(5) (i) Where any rent lawfully payable by a tenant in respect of any building is to be deposited under section 13 of the Act, he may, after giving a week's notice to the parties concerned, deposit in the local treasury under the Head "P—Deposit and Advances—Departmental and Judicial Deposits—Civil Deposits—Revenue Deposits, etc.—Rent Deposits under the Bihar Buildings (Lease, Rent and Eviction) Control Ordinance, 1982," ultimately payable to the landlord, to the credit of the Controller the full amount of the rent due in respect of that building on the date of such deposit, and shall file before the Controller a copy of the treasury challan showing the amount deposited together with a statement duly signed by him containing particulars of the building, the rent thereof, the period for which the rent has been deposited, the name and address of the person to whom the rent was last paid by the tenant and of the person now claiming to receive the same and recital of the circumstances under which the deposit is made :

Provided that the Controller may, from time to time, require the tenant to furnish additional particulars.

(ii) On receipt of the statement and treasury challan under sub-rule (1), the Controller shall serve the person or persons named in such statement or in his or their absence on any adult member of his or their families, a notice of the same and fix a date on or before which the amount of rent deposited may be withdrawn by the person or persons entitled to receive the same according to the decision of a competent court or according to any agreement between the parties :

Provided that any notice required to be served under this rule, in the absence of such person or persons or any adult member of his or their families, be served affixing to the usual or last known residing place of such person or persons :

Provided further that the controller may extend the date for withdrawal of the deposit

(iii) On receipt of the notice, the person or persons claiming to receive the rent may, at any time before the expiry of the date fixed under sub-rule (2) or extended under the proviso to that rule, apply to the Controller for the payment to him or them of the sum deposited under sub-rule (1) or prefer any objection in regard to the deposit made by the tenant.

(ii) On receipt of the application under sub-rule (3) the Controller may.—

(i) order the payment of the sum deposited to the person entitled to it on the production of a certified copy of the decision of a competent Court or a deed signifying the agreement between the parties ; or

(ii) fix a date for hearing the objection

(u) When the Controller had fixed a date for hearing the objection under the preceding sub-rule, he shall give a reasonable opportunity to the parties to be heard and after considering the evidence placed before him and holding such enquiry as he considers necessary, pass such order as he thinks fit.

(6) Every tenant, who makes a payment on account of rent to his landlord shall be granted a receipt under section 20 of the Ordinance in Form II.

(7) Any application to the Commissioner for revision of an order passed by the Controller or by appellate authority on appeal under this Ordinance shall be preferred within fifteen days of the date of the passing of that order after deducting the time occupied in obtaining a copy of the order:

Provided that the Commissioner may entertain the application for revision after the expiry of the said period of fifteen days, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(8) (i) Any person affected by an order of the Controller or of appellate authority on appeal, or of the Commissioner in revision passed under this Ordinance shall be supplied under section 29 of the Ordinance with a copy thereof, duly certified by the Controller, the appellate authority or the Commissioner as the case may be, on application to the authority concerned. The application for ordinary copy or urgent copy of the order shall bear adhesive court-fee stamps of the value as prescribed by Civil Court Rules framed by the High Court with respect to fee leviable for ordinary copy or urgent copy or searching fee shall be levied in all cases :

Provided that no searching fee shall be levied when papers for which copies are required, have not been deposited in the record room of the Collectorate or of the Commissioner.

(ii) On receipt of the application the party shall be informed of the court-fee stamps required under the provision of sub-rule (ii), for the supply of the copy. On payment of the requisite amount of court-fee stamps by the party a certified copy of the order shall be prepared and granted to him.

(iii) The court-fee stamps required for the supply of the copy shall be the same as chargeable under Civil Court Rules framed by Patna High Court for such copies.

FORM I
(See RULE 4)

THE BIHAR BUILDING (LEASE, RENT AND EVICTION)
CONTROL ORDINANCE, 1982

Notice

Whereas the building described in the schedule below is proposed to be vacated under the provision of sub-section (2) of Section 11 of the Bihar Buildings (Lease, Rent and Eviction) Control Ordinance, 1982. Now, therefore, in exercise of the powers conferred by sub-rule 4 of the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1982, I hereby direct—

(a) person/persons unauthorisedly in occupation of the building, to vacate the building, or to show cause to the undersigned within a week from the date of the service of this notice why he shall not be evicted from the said building

SCHEDULE.
(Particular of the Building)

District Magistrate.

FORM II
[See rule 6]FORM OF RECEIPTS UNDER SECTION 20 OF THE BIHAR
BUILDINGS (LEASE, RENT AND EVICTION) CONTROL
ORDINANCE, 1982
LANDLORD'S COUNTERFOIL

Received from.....a resident
of.....the sum of
Rs.....being the rent of the building as per particulars
given below :—

Name of the tenant	Holding No. of the building.	Area in which the building is situated.	Rent paid by the tenant.	Period for which rent is paid by the tenant.	Remarks
1	2	3	4	5	6

Signature of the landlord or his agent

Date.....

Place.....

Address.....

FORM OF RECEIPT UNDER SECTION 20 OF THE BIHAR
BUILDINGS (LEASE, RENT AND EVICTION) CONTROL
ORDINANCE, 1982.

RECEIPT ISSUED TO THE TENANT

Received from.....a resident
of.....the sum of
Rs.....being the rent of the building as per particulars
given below :

Name of the tenant.	Holding no. of the building	Area in which the building is situated	Rent paid by the tenant	Period for which rent is paid by the tenant	Remarks
1	2	3	4	5	6

Date.....

Place.....

*Signature of the landlord or his
agent.*

Address.....

Published in the Bihar Gazette, Extraordinary
dated December 1, 1982

S. O. 1509. *The 1st December 1982.*—In exercise of the powers vested in him under section 80 of the Bihar Finance Act, 1982, Part II (Act 5 of 1981), the Governor of Bihar is pleased to make the following Rules :—

1. *Short title and commencement.*—(1) These rules may be called the Bihar Tax on Advertisements Rules, 1982.

(2) They shall be deemed to have come into force on 1st April 1981.

2. *Definitions.*—(1) In these rules, unless there is anything repugnant in the subject or context;—

(a) 'Act' means Part II of the Bihar Finance Act, 1981 ;

(b) 'Advertiser' means a person who makes an advertisement of his own or engages other person or persons including an Advertising Agent to make advertisements on his behalf for cash or deferred payment or other valuable consideration ;

(c) 'Advertising agent' means a person who carries on the business of making advertisements on behalf of other persons for cash or deferred payment or other valuable consideration and includes a society, a club, an association, an undivided Hindu family, a firm, a company or a corporation and any department of Government carrying on such business of advertisement ;

Explanation.—The proprietor of a cinema house or any other place of entertainment who exhibits advertisement by means of cinema slides, film trailers or films on behalf of other persons for cash or deferred payment or other valuable consideration, or who makes an advertisement to promote his own business shall be deemed to be an advertising agent for the purposes of these rules ;

(d) 'Circle' means a unit of Commercial Taxes Administration set up under the appropriate provisions of the Bihar Sales Tax Rules, for the time being in force in the State of Bihar within the local limits of which a person either usually or for the time being makes advertisements ;

(e) 'Form' means a form appended to these rules ;

(f) 'Fortnight' means a fortnight ending on the 15th day or on the last day of a month according to Gregorian Calendar ;

(g) 'Government Treasury' means in relation to a person making advertisement, the Treasury or Sub-Treasury as the case may be, of the District or Sub-division where he makes an advertisement ;

(h) 'Place of business' includes any place where an advertisement, either usually or for the time being makes advertisements or keeps accounts, registers or documents relating to such advertisements ;

(i) 'Section' means a section of the Act ;

(j) 'Sub-Circle' means a sub-unit of Commercial Taxes Administration set up under the appropriate provisions of the Bihar Sales Tax Rules, for the time being in force in the State of Bihar, within the local limits of which a person makes advertisements ;

(k) 'Tax' means a tax payable under Part II of the Bihar Finance Act, 1981.

(2) Words and expressions used in these rules, but not defined herein, shall have meaning respectively assigned to them in the Act.

3. *Registration of advertising agents.*—(i) An advertising agent doing business of advertisement from a period prior to the commencement of this Act or who has started such business after the commencement of the Act but before the making of these rules shall apply within 30 days of the publication of these rules in the official Gazette for the grant of a registration Certificate.

(ii) An advertising agent who starts his business after the publication of these rules in the official Gazette shall apply within 30 days of the commencement of his business for grant of the Registration Certificate.

(iii) Application for the grant of the registration certificate shall be filed in Form I to the Deputy Commissioner or Assistant Commissioner or Commercial Taxes Officer Incharge of the Circle, if the place of business is within the local limits of a Circle, and to the Commercial Taxes Officer Incharge of the Sub-Circle, if the place of business lies within the local limits of a Sub-Circle.

(iv) Where an advertising agent has more places of business than one situated in different Circles or Sub-Circles, the Commissioner may, on an application by the advertising agent, declare any particular Circle or Sub-Circle in relation to him for the purposes of registration :

Provided that such a declaration shall not divert the authorities appointed under section 65 and exercising jurisdiction within the area in which the place of advertisement is situated of their powers under section 76 of the Act.

(v) The authority mentioned in sub-rule (iii) shall, on being satisfied that an application made in sub-rule (i) is correct and complete, grant a registration certificate in Form II.

4. *Furnishing of information by an advertising agent or advertiser.*—

(i) An advertiser making an advertisement of his own shall within 15 (fifteen) days of the commencement of the advertisement ; furnish information in Form III to the Deputy Commissioner or the Assistant Commissioner or the Commercial Taxes Officer Incharge of the Circle, if the place of business is situated within the local limits of a Circle, or to the Commercial Taxes Officer in other cases. If, however, such person is making advertisements from before the publication of these rules in the Official Gazette, the information shall be furnished within fifteen days of the publication of these rules.

(ii) An advertising agent shall inform about any change in the place, or nature of advertisement to the authority mentioned in sub-rule (i) within 10 days from the date on which such change is made.

5. *Filing of returns and payment of tax.*—(i) An advertising agent or an advertiser making advertisements of his own directly shall file a monthly returns in form IV within seven days of the end of the month to which the return relates showing the details of advertisements and amount of tax payable in appropriate annexures, which may be applicable to him to the said Form.

(ii) The amount of tax payable according to the return shall be deposited in the Government Treasury within five days of the end of the

month to which the return relates, and a copy of the challan showing payment of tax shall be enclosed with the return.

(iii) Any amount of tax or penalty, other than the amount of tax mentioned in sub-rule (ii), shall be deposited separately by a challan in the Government Treasury.

(iv) The challan for making deposit of tax under these rules shall be in Form V and shall be prepared in quadruplicate. The original copy of the challan shall be sent to the officer incharge of the concerned Circle or Sub-Circle, as the case may be, the duplicate copies shall be retained in the Government Treasury and the triplicate and duplicate copies shall be returned to the person depositing the tax. The quadruplicate copy shall be enclosed with the return.

6. *Prescribed authorities for certain sections.*—The Deputy Commissioner, the Assistant Commissioner and the Commercial Taxes Officer shall be the prescribed authorities for the purposes of sections 66, 70, 71 and 72, provided that the State Government may by an order declare any other authority for the purposes of this rule.

7. *Assessment.*—(i) The authority mentioned in rule 6 may, in a case where he is satisfied that the returns furnished under rule 5 are correct and complete assess the amount of tax due on the basis of such return.

(ii) If the authority mentioned in sub-rule (i) is not satisfied that the returns furnished under rule 5 are correct and complete or if no returns are filed, he shall cause a notice to be served in Form VI upon the advertising agent or any advertiser making his own advertisements requiring him to appear and produce books of accounts and other evidence on a date to be specified in the notice.

(iii) (a) On the date so specified in the notice or as soon thereafter as may be the authority mentioned in rule 6 shall, after examining the accounts and other evidence produced, assess the amount of tax due.

(b) In a case where the books of accounts and other evidence produced are found to be incorrect, incomplete or unreliable, the authority mentioned in rule 6 shall assess the amount of tax to the best of its judgment.

(c) Where no returns are filed and the notice referred to in sub-rule (ii) has been served, the authority mentioned in rule 6 shall after giving a chance of hearing to the advertising agent or any other persons making advertisements, shall assess the amount of tax to the best of its judgment.

(iv) If upon information which has come into its possession, the authority mentioned in rule 6 is satisfied that an advertising agent or any advertiser making his own advertisements has failed to apply for registration as required by rule 3 or furnish the information as required by rule 4, the said authority shall, after giving reasonable opportunity of hearing, assess the amount for the period to the best of its judgment.

8. *Notice of demand.*—If any sum is payable by a person under the Act or these rules, the authority mentioned in rule 6 shall serve a notice in Form VII and shall also fix a date on or before which the person concerned shall produce the challan in proof of the payment made by him of such amount.

9. (1) A memorandum of appeal under section 73 shall—

- (a) be in Form VIII;
- (b) be filed in triplicate;
- (c) be presented to the appellate authority by the appellant or his agent or legal practitioner or be sent by a registered post to the said authority;
- (d) contain a clear statement of the relevant facts and state precisely the relief prayed for;
- (e) be accompanied by a certified copy of the order appealed against and the notice of demand, if any, served upon the appellant; and a receipt showing deposit into the Government Treasury of at least 20 per cent of the tax assessed or such amount of tax which the appellant may admit to be due from him, whichever is greater;

(f) be signed and verified in the manner provided in Form VIII by the appellant or his authorised agent.

(2) No order under this rule shall be passed without giving the appellant and the State a reasonable opportunity of being heard.

(3) The appellate authority may, on application, stay recovery of any amount payable under the Act in respect of which an appeal has been entertained by the said authority. Before allowing such a stay the said authority may obtain and consider a report from the Deputy Commissioner or Assistant Commissioner or the Commercial Taxes Officer of the concerned Circle or Sub-Circle, as the case may be.

10. *Revisions*.—(1) An application for revision shall—

- (a) be in Form IX;
- (b) be filed in triplicate;
- (c) be presented to the revisional authority by the appellant or by his agent or legal practitioner or be sent by registered post to the said authority;

(d) contain a clear statement of the relevant facts and state precisely the relief prayed for;

(e) be accompanied by a certified copy of the order which is sought to be revised and the typed copies of the final orders at the original stage and the appellate stage;

(f) be signed and verified in the manner provided in Form IX by the applicant or his authorised agent.

(2) No order under this rule shall be passed without giving the applicant and the opposite party a reasonable opportunity of being heard.

11. *Disposal of defective appeals or applications for revision*—(1) If a memorandum of appeal or an application for revision does not comply with all the requirements laid down in rules 9 and 10, as the case may be, the appellate or revisional authority may, after allowing a reasonable opportunity to the appellant or the applicant to amend the memorandum or application so as to cure the defects, reject it summarily.

(2) An appeal or application for revision may also be summarily rejected on other reasonable grounds, after giving the appellant or applicant a reasonable opportunity of being heard.

12. *Review*.—(1) Any order passed under the Act or these rules may be reviewed by the authority passing it or by its successor in office, if such review is, in the opinion of the said authority necessary on account of a mistake which is apparent from the record.

(2) Where any authority reviews any order under sub-rule (1) it shall record its reason in writing for doing so.

(3) Save with the previous sanctions of the Commissioner recorded in writing, an order, other than an order passed the Commissioner, shall not be reviewed more than twelve months after the date of the passing of the order which is sought to be reviewed.

(4) No authority below the rank of Commissioner shall review an order which has been passed by its predecessor in office except with the previous sanction of the Commissioner.

13. *Refund*.—(1) An application for refund of excess tax paid shall be made by the person concerned in Form X to the appropriate authority mentioned in sub-rule (2) clearly specifying the ground on which the refund is claimed:

Provided that no such application shall be entertained unless it has been filed within a period of two years from the date of receipt of the notice showing excess in Form VII.

(2) For the purposes of sub-rule (1) the Deputy Commissioner, Assistant Commissioner of the Circle and the Commercial Taxes Officer Incharge of the Sub-Circle shall be the prescribed authority.

(3) The refund shall be allowed by adjustment of such excess towards the amount payable for any other period or by the amount finally determined as being payable by him under the Act;

(a) A notice of such excess in Form VII shall be issued to the person concerned immediately after such final determination;

(b) the authority prescribed in sub-rule (2) —

(i) in the case of refund by adjustment against any amount payable by the person concerned for any other period issue a refund adjustment order in Form XI accompanied by a challan for adjustment and

(ii) in the case of refund in cash issue refund payment order in Form XII and shall cause it to be delivered for encashment to the person concerned or his authorised agent.

A copy of the refund payment order shall also be forwarded simultaneously to the Treasury Officer concerned.

14. *Service of Notice*.—(1) Notice under the Act or these rules may be served by any of the following methods, namely :—

(a) By delivery or tender of a copy of the notice to the addressee, or his agent or other person duly authorised to receive notice on his behalf;

(b) by post:

Provided that if upon an attempt having been made to serve any such notice by any of the above mentioned methods the prescribed authority is satisfied that the addressee is keeping out of the way for the purpose of avoiding service or other that, for any other reason, the notice cannot be served by any of the above mentioned methods, the said officer shall order the service of the notice by affixing a copy there

of on some conspicuous part of the addressee's office of advertisement or the building in which his office of advertisement is located, or where the addressee usually resides, or upon some conspicuous part of any place of residence or advertisement or office last notified by the addressee, and such service shall be as effectual as if it had been made on the addressee personally.

(2) When the serving Officer delivers or tenders a copy of the notice to the addressee personally or to his agent or person on his behalf he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original notice. When the notice is served by affixing a copy thereof in accordance with the proviso to sub rule (1) the serving Officer shall return the original to the authority which issued the notice with a report endorsed thereon or annexed thereto stating that he so affixed the copy, the circumstances under which he did so and the name and address of the person, if any by whom the addressee's Office or residence or the building was identified and in whose presence the copy was affixed. The serving Officer shall also require the signature or thumb impression of the person identifying the addressee's office or residence or building to his report.

(3) When service is made by post, the service shall be deemed to be effected by properly addressing preparing and posting by registered post the notice and unless the contrary is proved, the service shall be deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.

(4) The authority at whose instance the notice was issued shall if he is satisfied from the report of the serving Officer or the postal acknowledgment or by taking such evidence as he deems proper that the notice has been served in accordance with this rule, record an order to that effect. If he is not satisfied that the notice has been properly served, he may after recording an order to that effect direct the issue of a fresh notice.

15. *Fees.*—The following fees shall be payable in connection with proceedings under the Act or the rules and other matters ancillary or incidental thereto, namely :—

(i) Upon a memorandum of appeal against an order of assessment of tax or upon an application for revision of an appellate order.—Rupee one and fifty paise.

(ii) Upon an application for revision of an order other than an appellate order.—Rupee one and fifty paise.

(iii) Application for compounding of an offence.—Rupee one.

(iv) Upon an adjournment petition.—Rupee one.

(v) Upon other miscellaneous petitions seeking relief.—Re. one :

Provided that no fee shall be payable in respect of any application or petition filed by or on behalf of the State Government.

16. *Grant of copies.*—(1) If an assessee or other person wants to have a certified copy of a document, filed by him or of an order concerning him passed by any prescribed authority or of any report used against him in any such order, he shall make an application to the authority concerned. The application shall bear an adhesive court-fee stamp or stamps of value of Re. one for an ordinary copy or an adhe-

sive court-fee stamp or stamps of the value of Re. one and fifty Paise for an urgent copy. A searching fee of fifty Paise in adhesive court-fee stamp shall in addition be levied in all cases in which the records of which copies are required have been deposited in the record room of the said authority.

(2) On receipt of the application the assessee or the person concerned shall be informed of the value of the court-fee stamps required under the provisions of sub-rule (3) for supply of the copy. On payment of the requisite amount in court-fee stamps by the advertising agent or any other person making advertisement or his authorised agent certified copy of the order shall be prepared and granted to the proprietor or his authorised agent.

(3) The following fee shall be payable for the grant of copies, namely :—

	Ordinary copy.	Urgent Copy.
(i) Copying fee for every 150 words	One Rupee	One Rupee and fifty Paise.
(ii). Authentication fee	One Rupee	One Rupee and fifty Paise.

(4) An application for the grant of a certified copy may also be made by registered post, in which case the applicant shall pay a consolidated fee of five rupees irrespective of the number of words contained in the order of which the copy is desired, to cover the cost of copy and authentication fee. In such a case, the application shall be accompanied by a copy of the challan showing payment of five rupees in to the Government Treasury.

FORM I APPLICATION FOR REGISTRATION (FOR ADVERTISING AGENT)

(See rule 3).

To

The Deputy Commissioner/Assistant Commissioner/Commercial Taxes Officer, Incharge Circle/Sub-Circle.

I/We, the undersigned, do hereby apply for grant of a registration certificate under rule 3 of the Bihar Tax on Advertisement Rules, 1982.

- (1) Name of the applicant with full address.
- (2) Status (individual, H.U.E., Firm, Company, Department of Government, etc.).
- (3) Name and style, if any of the business.
- (4) Date of commencement of business.
- (5) Location of office.
(Indicate Branch or sub-office, etc.)
- (6) Nature and description of advertisement usually made (indicate exhibition, display, publication, etc.)
- (7) Detail of books of accounts maintained.
- (8) Area in which the advertisements are exhibited or displayed.
- (9) Details of publications in which advertisements are made.
- (10) Name of the persons having interest in business and extend of share of each them.

I declare that the above statements are true to the best of my knowledge and belief.

Place.....

Date.....

Signature.

Status in relation to the business

FORM II
CERTIFICATE OF REGISTRATION (FOR
ADVERTISING AGENTS).

(See Rule 3)

(Omitted)

FORM III
APPLICATION FOR INFORMATION

(Applicable only in respect of an advertiser, making his own advertisements.)

(See Rule 4)

To

The Deputy Commissioner/Assistant Commissioner/Commercial Taxes Officer/..... Circle/Sub-Circle.

I/We, the undersigned, do hereby inform that I/We have begun advertisements the details of which are furnished below:—

- (1) Name of the informant with full address
- (2) Date of commencement of advertisements
- (3) Description of advertisements
- (4) Location of the place where advertisements are made.
- (5) The period till which the advertisement is to continue.

I declare that the above statements are true to the best of my knowledge and belief.

Place

Date

Signature.

FORM IV
FORM OF RETURN

(See Rule 5)

(Omitted)

FORM V—CHALAN (P)

(See rule 5)

(Omitted)

FORM VI—NOTICE OF HEARING

(See rule 7)

(Omitted)

FORM VII—NOTICE OF DEMAND

(See rule 8)

(Omitted)

FORM VIII—MEMORANDUM OF APPEAL UNDER SECTION 73 OF PART II OF THE BIHAR FINANCE ACT, 1981

(See rule 9)

- APPEAL NO.....
- Period to which the appeal relates.....
- Date of receipt by the appellate authority.....
- Initial of appellate authority.....
- To
- The.....
- of Commercial Taxes,
- I, ... (full name), son of..... (full name), hereby
refer this appeal against the order, dated....., passed by.....
and furnish the following particulars for the purposes:—
- (1) Name and address of the appellant
 - (2) Name and style of the business
 - (3) Status of the appellant
- (Write here individued, undivided Hindu Family, Firm, Company,
Corporation, Association, Local Authority, Government Department
etc. as the case may be).
- (4) Location of the place of business/advertisement
 - (5) Address to which communication should ordinarily be des-
patched
 - (6) Period to which appeal relates
 - (7) Date of Service of Demand Notice
 - (8) Details of tax estimated and determined—
 - (a) As determined by the assessing authority
 - (b) As admitted by the appellant
 - (c) Section or rule under which determination made
 - (9) Amount of penalty, if any imposed
 - (10) Details of payment made
- Challan no....., date, amount.....
- (11) Amount in dispute—
- (a) Tax
 - (b) Penalty
- Total
- (12) List of papers and documents filed—
- Challan no.
- Date.....
- (13) Statement of facts of the case and prayer—
- (a) The facts of the case are as follows
 - (b) The points of issue are as follows
 - (c) Grounds of appeal are as follows
 - (d) Relief sought is as follows:—

VERIFICATION

I do, hereby declare, that the above particulars and statements are
correct and complete to the best of my knowledge and belief.

Place.....

Signature.

Date.....

Status.

The memorandum shall be signed by the appellant, if an individual,
by the Karta, if an undivided Hindu Family, by an authorised partner

in case of a firm, by a Managing Director, Managing Agent or Principal Executive Officer or Officer-in-charge, in the case of a society, club association, Department of Government or local authority, or by manager declared by one of them.

ACKNOWLEDGMENT

Received..... memorandum of appeal in Form VIII for the period..... together with/without the papers and documents specified at item 12 of the memorandum of appeal.

The Appeal no allotted is.....of.....

Signature.

Designation.

FORM IX—APPLICATION FOR REVISION UNDER SECTION 74 OF THE BIHAR FINANCE ACT 1981, PART II

(See rule 10)

Revision No.....

Period to which the application relates.

Date of receipt revisional by the authority.

Initial of the revisional authority.

To

The.....
.....Commercial Taxes,
.....

I,.....(full name), son of.....(full name), hereby, prefer this application for revision of the order, dated.....passed by and furnish the following particulars for that purpose:—

- (1) Name and address of the petitioner.
- (2) Name and style of the place of business.
- (3) Status of the petitioner.

(Write here individual, undivided, undivided Hindu Family, Firm, Company, Corporation, Association, Local Authority, Government Department, etc., as the case may).

(4) Location of the place of business/advertisement

(5) Address to which communication should ordinarily be despatched.

(6) Period to which the application relates.

(7) Details of tax estimated and determined—

- (a) As determined by the assessing authority
- (b) As determined in appeal/revision
- (c) As admitted by the applicant
- (d) Section or rule under which determination made

(8) Amount of penalty, if any, imposed

(9) Details of payments made—

Challan no....., date, amount

(10) Amount in dispute

- (a) Tax
- (b) Penalty

Total

(11) List of papers and documents filed—

(a) Challan no., date, for
showing deposit of fee payable on this application.

(b) Certified copy of the appellate/revisional order against which this application has been prepared.

(c) True typed copies of the final orders at the original stage, appellate stage and preceding revisional stage, or stages, if any.

(12) Statement of facts of the case and prayer—

(a) The facts of the case are as follows:—

(b) The points at issue are as follows

(c) The grounds of revision are as follows

VERIFICATION

I do, hereby, declare that the above particulars and statements are correct and complete to the best of my knowledge and belief.

Place.

Signature.

Date.

Status.

The application shall be signed by the petitioner of the business, if an individual, by the Karta, if any undivided Hindu family, by an authorised agent in case of a firm, by a managing director, managing agent or principal executive officer or officer-in-charge in the case of a society, club, association, Department of Government or local authority or by manager declared by any one of them.

ACKNOWLEDGEMENT.

Received on, ... from an application for revision in Form IX for the period together with/without the papers and documents specified in item 11 of the applicant.

The Revision no. allotted is of.

Signature.

Designation.

FORM X to XII (omitted.)

THE BIHAR BRICKS SUPPLIES (CONTROL) ORDINANCE, 1983.

Published in the Bihar Gazette, Extra ordinary, dated January 29, 1983.

BIHAR ORDINANCE NO. 4 OF 1983

An Ordinance to control the supply of Bricks in Bihar,

Preamble.—Whereas, the Legislature of State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for controlling the supply of bricks in Bihar and for matters incidental thereto;

And, whereas, the instructions of the President have been obtained under the proviso to clause (1) of Article 213 of the Constitution of India;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 215 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1 *Short title, extent and commencement.*—(i) This Ordinance may be called the Bihar Bricks Supplies (Control) Ordinance, 1983.

(ii) It extends to the whole of the State of Bihar.

(iii) It shall come into force immediately.

2. *Definitions*.—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "Brick" means common burnt clay building bricks in a kiln and having geometrical shape, metric size and specification as per I 1077—1370 or any revision thereof.

(b) "Kiln" means structure used for firing bricks;

(c) "Dealer" means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent;

(d) "Manufacturer" means a person engaged in the manufacture of bricks in kiln.

3. *Power of State Government to control, supply, distribution and consumption of bricks*.—The State Government, in so far as it appears to it to be necessary or expedient for controlling the supply of bricks or for securing their equitable distribution and availability at reasonable prices, may, by order published in the official Gazette, provide for—

(a) regulating by licences, permits or otherwise the manufacture, distribution, transport, equitable disposal and consumption of bricks;

(b) controlling the prices at which bricks may be bought or sold;

(c) collecting any information or statistics with a view to regulating the aforesaid matters;

(d) requiring manufacturers, dealers or kiln-owners, to maintain and produce for inspection such accounts and records regarding bricks and furnishing such information relating thereto, as may be specified in the order;

(e) controlling the size and type of bricks to be manufactured to ensure economy in consumption of essential materials;

(f) entering and searching of premises and vehicles, seizure by a person authorised to make such search of bricks in respect of which such person has reason to believe that contravention of any order made under this Ordinance has been, is being or is about to be committed, the grant or issue of licences, permits and other documents and the charging of fees therefor; and

(g) any incidental and supplementary matters connected with the provisions in clauses (a), (b), (c), (d), (e) and (f).

4. *Delegation of powers*.—The State Government may, by notification published in the official Gazette, direct that the power to make orders under section 3 shall, in relation to such matter and subject to such conditions, if any, as may be specified in the order, be exercisable by such office or authority as may be specified in the order.

5. *Provisions of section 3 to prevail over other laws*.—The provisions of section 3 shall have effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

6. *Penalty for contravention of the provisions of section 3*.—If any person contravenes or abets the contravention of any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs. 2,000 or with both and the movable property or any part of such property in respect of which the order is contravened may also be forfeited to the State.

Explanation.—The expression "Person" in this section includes company or of body corporate and every Director Secretary or other officer or agent thereof.

7. *False statement.*—(1) When any person required by any order made under section 3 to make any statement or furnish any information, which is false in any material particularly and which he knows or has reason to believe to be false, or does not believe to be true; or

(2) When any such person makes any such statement as aforesaid in any book, account, record, declaration or return of other document which he is required by such order to maintain or furnish he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs. 2,000 or with both.

8. *Offence to be cognizable.*—Offences under this Ordinance shall be cognizable.

9. *Power to try offences summarily.*—Any Magistrate duly empowered in this behalf shall try the offences summarily in accordance with the procedure of Summary Trials laid down in Chapter XXI of the Code of Criminal Procedure, 1973.

10. *Protection of action taken under the Ordinance.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority for anything done in good faith or intended to be so done in pursuance of an order made under this Ordinance.

11. *Power to make Rules.*—The State Government may by notification in the official Gazette make rules consistent with the provisions of this Ordinance for carrying out the purposes of Ordinance.

12. *Repeal and Saving.*—(1) The Bihar Bricks Supplies (Control) Ordinance, 1982 (Bihar Ordinance No. 65, 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken, in the exercise of powers conferred by or under this Ordinance as if this Ordinance were in force on the day on which such thing or action was done or taken.

The 29th January, 1983

A. R. KIDWAI,
Governor of Bihar.

THE BIHAR MUNICIPAL (AMENDMENT) ORDINANCE, 1983

Published in the Bihar Gazette, Extra ordinary, dated January 27, 1983.

BIHAR ORDINANCE NO. 2 OF 1983

An Ordinance to amend the Bihar and Orissa Municipal Act, 1922.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Municipal Act, 1922 (Bihar and Orissa Act VII of 1922), in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement* —(I) This Ordinance may be called the **Bihar Municipal (Amendment) Ordinance, 1983.**

(Text omitted. Repeals Bihar Ord. 56 of 1982).

THE BIHAR FOREST PRODUCE (REGULATION OF TRADE) ORDINANCE, 1983

Published in the Bihar Gazette Extraordinary, dated January 29, 1983.

BIHAR ORDINANCE NO. 5 OF 1983

An Ordinance to make provision for regulating in the public interest the trade and other related matters of certain Forest Produce by creation of a state monopoly in such trade in the state of Bihar.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session ;

And whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to make provision for regulating in the public interest the trade and other related matters of certain forest produce by creation of a State monopoly in such trade in the State of Bihar ;

And, whereas, the instructions of the President of India under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent, commencement and application.*—(1) This Ordinance may be called the **Bihar Forest Produce (Regulation of Trade) Ordinance, 1983**

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force in such area or areas and on such date or dates as the Government may, by notification in the official Gazette specify and they may specify different dates for different areas.

(4) It shall apply to such forest produce and on such date or dates as the Government, by notification may specify in their behalf.

(Text omitted. Repeals Ordinance No. 59 of 1982)

THE BIHAR VINIRDISHTA BHRASHTA ACHARAN NIVARAN ORDINANCE, 1983.

Published in the Bihar Gazette Extra ordinary, dated February 28, 1983.

BIHAR ORDINANCE NO. 6 OF 1983

An Ordinance to provide for Punishment of specific corrupt practices resorted to by the persons serving in connection with the affairs of the state or of public undertakings or local Authorities, Co-Operative societies or other Institutions or organisations aided by State Government and by some other persons in their Dealings with the State Government and Aforesaid Bodies, with a view to Eradicate

and Effectively prevent such practices and for other Miscellaneous matters connected herewith.

Preamble.—Whereas the Legislature of the State of Bihar is not in session :

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Bihar is pleased to promulgate the following Ordinance :

CHAPTER I

PRELIMINARY

1. *Short title, commencement and extension* —(1) This Ordinance, may be called the Bihar Vinirdishta Bhrashta Acharan Nivaran Ordinance, 1983.

(2) It shall be deemed to have come into force atonce.

(3) It shall extend to the entire State of Bihar.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires—

(a) “Local Authority” means any Public Undertaking, Authority, Co-operative Society, Corporation, Body, Board, Society or Organisation, by whatever name they are known, constituted under any Law, Ordinance, Act, Rules, Regulations of the State Government, and also such Public Undertaking, Authority, Co-operative Society, Corporation, Body, Board, Society or Organisation by whatever name they are known constituted under any Central Act, Ordinance, Rules or Regulations over which the State Government has control and authority, and

(b) “Officer” means a person serving in connection with the affairs of the State, Public undertaking, local authority, co-operative society or any other institution or organisation aided by the State Government ;

(c) “Public undertaking” means a Government company within the meaning of section 617 of the Companies Act, 1956 (No. 1 of 1956), and includes a Corporation or other statutory body by whatever name called, in each case owned or controlled by the State Government.

CHAPTER II

OFFENCES RELATING TO WORK

3. *Definitions.*—In this Chapter unless the context otherwise requires—

(a) “Construction” means all activities pertaining to the construction of a work and includes excavation, filling, levelling and other allied activities ;

(b) “Contractor” in relation to a work means a person who undertakes to execute the work under a works department, in pursuance of a contract and includes, where the context so requires, a sub-contractor and all other agencies and persons employed by him or working under him or under his control for execution of such work and the expression ‘work contract’ shall be construed accordingly,

(c) “Officer-in-charge” means an officer in relation to a work under a works contract who is primarily and directly responsible on the work site to see that the work or specific part of the work is duly

executed in accordance with the terms, conditions and specifications of the works contract and the instructions, directions or work order issued by the supervisory officers or by the works department from time to time ;

(d) "Officer of the works department" means the officer, whatever be the designation, employed in the works department and concerned with the survey, construction, repairs, maintenance, supervision, planning, drawing, designing, purchase, supply or storage of goods, mechanically propelled or electrically operated vehicles of all descriptions, plants, machinery, tools, spares or all other materials, or equipments and includes an officer or official responsible of make payment of bills and advances, in relation to the work ;

(e) "Supervisory Officer" means an officer whose duty is to supervise the work as per instructions contained in the Manual applicable to the works department or contained in any order or direction issued by the works department, from time to time ;

(f) "Work" means any work relating to survey, construction, repairs or maintenance of any building, superstructure, dam, weir, canal, reservoir, tank, lake, road, bridge, culvert, well including tubewell, factory, workshop, water supply system, electric installation system or any other work which the State Government may by notification specify in this behalf, and includes surveying, planning, drawing, designing, purchase, supply or storage of goods, mechanically propelled or electrically operated vehicles of all descriptions, plant, machinery, tools, spares or all other materials and equipments relating to the construction, maintenance or repairs of any of the aforesaid works ;

(g) "Works Department" means a department of the State Government, a public undertaking, a local authority, or a co-operative society registered under the Bihar and Orissa Co-operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935), which gives a works contract or under whose orders, directions or control works contract is entered into or work is done, and shall include an institution or organisation substantially aided by State Government, as the State Government may, by notification, specify.

4. *Punishment of contractor for violation of contract, etc.*—Whoever, being a contractor of a works contract entered into with a works department, intentionally, knowing or for corrupt motive executes the work in material violation of the terms of the contract or in flagrant disregard of the standards, specifications, orders or directions given by the works department, or its officers so as to adversely effect the quality, workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

5. *Punishment of Officer-in-charge for lack of supervision*—Whoever, being an Officer-in-charge of a work under a works contract, being executed by a contractor or otherwise, intentionally or knowingly—

- (a) permits or connives at, or
- (b) omits to prevent or to report about, or
- (c) abets for corrupt motive, the work being done in—

- (i) material violation of the term of the contract, or
- (ii) flagrant disregard of the standards, specifications, orders or directions given by the works department or its officers, in other case so as to adversely affect the quality, workmanship strength or life of the work or it shall be punished with imprisonment of either description which may extend to three years or with fine or both.

6. *Punishment for preparing false or fictitious muster rolls or measurement books.*—Whoever, being officer-in-charge of a work in connection with the relief work or otherwise—

- (a) prepares a false or fictitious muster roll, or
- (b) false or fictitious measurement book, or
- (c) makes payments for false or fictitious lead or false or fictitious excavation of metal, sand, earth, or
- (d) incorrectly classifies a strata under excavation for making payment at a higher rate, or
- (e) pays for no work or inadequate or fictitious or bogus work, or
- (f) pays at rates that are grossly inappropriate or makes deliberate over payments, in violation of rules and orders, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

7. *Punishment for surreptitious sale of supplied materials by contractor.*—Whoever, being a contractor under a works contract, sells or otherwise transfers cement, iron, or any other materials supplied by the works department for the work as per specifications, instead of properly utilizing the same in the work or instead of returning the unused or excess material back to the works department, shall be punished with imprisonment of either description which may extend to three years or with fine or both

8. *Punishment for submitting manipulated tenders.*—Whoever, being a tender or for a work under a works department—

(a) Procures, obtains or attempts to procure or obtain for himself or for any other person work under a works contract by submitting fictitious, competitive tenders in the name of false, or non-existent or bogus person.

(b) enters into a conspiracy with any other tenderer or tenderers in order to eliminate the competition for the purpose of punishing one of the collusive lowrate tender for acceptance, or

(c) employs or takes active help of a near relative or of any other person in a position to unduly influence the officer having authority to accept the tender, shall be punished imprisonment which may extend to three years or with fine or both.

Explanation.—Near relation in this section means son, grand son, father, mother, wife, brother, sister, brother-in-law and father-in-law.

9. *Punishment for officer for accepting manipulated tender.*—Whoever, being an officer of a works department having authority to accept a tender on behalf of a works department—

(a) abets the commission of an offence under section 7 by accepting or recommending for acceptance such tender ; or

(b) dishonestly manipulates evaluation of tenders with the object of giving benefit to a particular tenderer, shall be punished with imprisonment of either description which may extend three years or with fine or both.

10. *Punishment for wrongful or unauthorised disposal of property.*—Whoever, being an officer of a works department, dishonestly, wrongfully or fraudulently—

- (a) disposes of or otherwise transfers ; or
- (b) permits unauthorised user of goods plants, machinery, tools, spares or other material and equipments from the stores, causing substantial loss to the works department, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

11. *Punishment for supply of sub-standard or lesser quantity of goods.*—Whoever, being a contractor for the supply of goods, plants, machinery, tools spares or other materials or equipments—

- (a) makes misrepresentation in respect to the quantity supplied ;
- (b) supplies sub-standard goods, plants, machinery tools spares or other materials or equipments which are not of mercantile quality or not in accordance with the samples or specifications given in the order of supply, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

12. *Punishment of officer of works department for abetting offences under section 11.*—Whoever, being an officer of a works department, having authority to accept the supplies made by the contractor in pursuance of an order of supply given to him, abets the offence punishable under section 11 knowingly by accepting the supply of goods, plants, machinery, tools, spares or other materials or equipments shall be punished with imprisonment of either description which may extend to three years or with fine or both.

13. Whoever, being an officer of the works department, with mala fide intention resorts to splitting of purchase order in order to enable him to effect the purchases which would have otherwise been beyond the pale of his financial authority to do so, or in flagrant breach of the established procedure for the purchase of goods, plants machinery tools, spares or other materials or equipments shall be punished with imprisonment of either description which may extend to one year or with fine or both.

CHAPTER III

OFFENCES CONNECTED WITH FOREST PRODUCE .

14. *Punishment for illicit felling or disposal of forest produce.*—

Whoever, being an officer-in-charge for the preservation and Maintenance of forest or disposal of forest produce, having jurisdiction or concern with the forest area, intentionally or knowingly permits, connives, abets or suffers on account of his omission to supervise, prevent or report the—

- (i) illegal felling of trees or logs, or
 - (ii) illegal girdling or tappings, or
 - (iii) theft of wood, timber or bamboos or other forest produce,
- or
- (iv) illegal quarrying of stones, or
 - (v) illegal burning of lime or charcoal from the area, for commercial purpose shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine :

Provided that the court may, for any special reasons to be recorded in writing impose a sentence of imprisonment of less than one year.

ORDINANCE, 1983

CHAPTER IV

OFFENCES RELATING TO HOSPITALS, ETC.

15 *Punishment for failure to maintain register, etc.*—Whoever, being an officer-in-charge of Government Hospital, Dispensary or Relief Centre, organised or assisted by the Government does not properly maintain the stock-register and bills and vouchers of medicines, ointments, medical equipments, etc., mis-appropriates or fraudulently removes the same, or intentionally or knowingly permits, connives or abets such removal, shall be punished with imprisonment of either description which shall not be less than one year, but which may extend to three years and shall also be liable to fine :

Provided that the Court may, for any special reasons to be recorded in writing impose a sentence of imprisonment of less than one year.

16. *Punishment for neglecting patients, etc.*—Whoever, being a Medical Officer, compounder, dresser or nurse on duty abstains himself or herself from duty without reasonable cause and without due intimation to the authority, or neglects the patients in his or her charge or does not deliberately issue requisition for the proper medicines and diets to be supplied to the patients by the Hospital or Relief Centre or fraudulently charges fees from any person for his treatment in the Government Hospital, Dispensary or Relief Centre, or indulges in private practice of medicine, where permitted, during the duty hours shall be punished with imprisonment of either description which may extend one year or with fine or both.

17. *Punishment for failure to maintain record properly.*—Whoever, being duty bound to prepare injury report or post-mortem report or bed-head ticket of the patient, fraudulently prepares the same incorrectly or intentionally omits to mention all the details or does not inform the authority or the Police, where he is so required to inform under the rules or regulations or Government Orders or circulars shall be punished with imprisonment of either description which may extend to one year or with fine or both.

18. *Punished for fraudulent purchases of medicines, etc.*—Whoever, being in-charge of the purchase of medicines or medical equipments fraudulently purchases medicines which are sub-standard or beyond specification or against the Government Rules and directions or purchases Medical equipments, etc. beyond specification or against Government rules and directions shall be punished with imprisonment of either description, which may extend to one year or fine or both.

CHAPTER V

OFFENCES RELATING NO SALE OF LIQUOR UNFIT FOR HUMAN CONSUMPTION

19. *Punishment for sale of liquor unfit for human consumption. / Punishment for failure to check sale of illicit liquor.*—Whoever being an officer-in-charge, duty bound to check and prevent the sale of illicit liquor, knowingly omits to check and report, connives or abets the commission of offence of sale of illicit liquor shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPTER VI

OFFENCES RELATING TO REGISTRATION OF BOGUS FIRMS FOR
SALES-TAX EVASION

20. *Punishment for applying for registration of use of bogus firm name.*—Whoever, applies for the registration of a bogus or non-existent firm or uses a bogus or non-existent firm name, for the purpose of manipulating sales-tax evasion shall be punished with imprisonment of either description which may extend to three years or with fine or both.

21. *Punishment for registering bogus firm for abetting offence under section 20*—Whoever, being an officer, intentionally knowing, or negligently, without holding proper inquiry, registers a bogus or permits the use of bogus or non-existent firms or non-existent firms name, with the intention to abet the offence under section 20, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPTER VII

OFFENCES RELATING TO FICTITIOUS LOANS AND FALSE VERIFICATION
OF THEIR UTILIZATION.

22. *Punishment for advancing loans, etc. to fictitious persons.*—Whoever, being an officer having authority to sanction of an advance loan or subsidy intentionally knowingly, or for corrupt Motive or otherwise, sanctions or advances loan or subsidy—

- (a) in a fictitious name, or
- (b) to a fictitious or non-existing person, or
- (c) in the name of another person,

and whoever receives actual benefit of such sanction or advance of the loan or of subsidy, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

23. *Punishment for false verification of loan utilization.*—Whoever, being under a duty to verify and report proper utilisation of a loan or subsidy falsely reports, verifies or testifies to the proper utilisation thereof, with reference to the purpose for which it was sanctioned or advanced, when in fact it was not so utilised fully, or was utilised only partly, or was not utilised at all, in relation to that purpose, unless it was diverted to some other purpose with the prior sanction of authority which sanctioned or advanced the loan or subsidy, shall be punished with imprisonment of either description which may extend to one year or with fine or both.

CHAPTER VIII

OFFENCES RELATING TO ILLEGAL COLONIZATION

24. *Definitions.*—In this chapter, the expressions—

(a) 'Local area' means an area comprised within the limits of a Municipal Corporation, a Municipality, Urban agglomeration as defined in Urban Land (Ceiling and Regulation) Act, 1976 (Act No. 33 of 1976), notified area, area comprised within the limits of Bihar Panchayat Raj Act, 1947 (Bihar Act No 7 of 1947).

(b) 'Local Authority' has the same meaning as given in Section 2(a) in this Ordinance.

(c) "Colonizer" means any person, firm, corporation, company or by whatever name it is known, who deals in the business of sale or purchase of lands and buildings, flats or apartments, constructs, building having residential or non-residential or composite accommodation

or constructs multistoried buildings divided into flats or apartments for residential or non-residential or composite accommodation transferring or agreeing to transfer them gradually or all at a time to persons desirous of settling down on those plots, buildings, flats or apartments and the expression 'establishment of colony', 'illegal colonization' and 'illegal colonizer' shall be construed accordingly :

Provided that no person, firm, corporation, company or by whatever name it is known shall undertake the establishment of colony unless the Municipal authority and the Improvement Trust of the area, if any, or the local authority sanctions the plan for the establishment of colony and the State Government gives its approval, and unless he on payment of such fee as may be prescribed for registration of colonizers obtains a license from the Collector of the revenue district in which the land is situated :

Provided further that the colonizer shall not illegally divide it into plots with the object of establishing a colony.

Explanation.—(1) The word 'colonizer' shall not be interpreted to mean or to cover the diversion of agricultural land or construction of building, residential or non-residential or composite accommodation by any person, industry, institution, firm, corporation, company or Society which does not deal in the business of sale or purchase of land or building for the purposes of 'establishment of colony'.

(ii) Letting the house, building or apartment on monthly rent shall not be interpreted to mean "establishment of colony" or 'colonization'.

(iii) The declaration, by the person, industry, institution, corporation or society shall be sufficient proof of the fact, that the diversion of agricultural land or the construction of the building is not for the purposes of "establishment of colony" as such.

25. *Punishment for illegal diversion or illegal colonization, etc.* — A colonizer who illegally diverts the agricultural land or illegally divides it into plots or constructs a building in an area of illegal diversion of agricultural land for the purpose of establishment of colony or commits an offence of illegal construction by establishing or attempting to establish illegal colonization or contravenes the provisions of any Act, Rule and Regulation referred to hereinbefore or any notification made by the State or Central Government under any Act, Rule or Regulation shall be punished with imprisonment which may extend to three years or with fine or with both.

26. *Punished for negligence etc., in duty* —Whoever, in the area of illegal diversion or illegal colonization by colonizer :—

(i) being an officer having power to sanction lay out or sanction a map for the construction of a building, grants sanction or approves, such lay out or the map ; or

(ii) being an officer under a primary duty to do so knowingly omits to report illegal diversion of land or illegal construction of building by colonizer in such an area to the proper authority ; or

(iii) being an officer of the authority competent to sanction electrical or water supply connection grants such sanction with respect to the building constructed by colonizer in such area; shall be punished with imprisonment of either description which may extend to one year or with fine or both.

27. *Transfer of plots in an area of illegal diversion or illegal colonization be void.*—Any transfer or agreement of transfer of plots or buildings flats in a building made by a colonizer in an area of illegal diversion or illegal colonization, shall be void and the consideration for such transfer received by the colonizer shall be refundable to the transferee, with interest at the maximum rate and the transferee shall also be entitled to claim compensation thereof.

28. *Removal of the illegal diversion or illegal constructions.*—The State Government shall have the right where the colonizer has been found guilty of the offence of illegal diversion of agricultural land or illegal colonization and is convicted by the Court, to direct the 'colonizer' to remove the illegal construction or illegal diversion of agricultural land, and in case the colonizer fails to abide by the direction, may remove the same at the cost of the colonizer."

CHAPTER IX

OFFENCES RELATING TO TEMPERING WITH THE PUBLIC DISTRIBUTION SYSTEM

29. *Tempering with the systems by the Licensed dealer.*—Whoever, being a dealer licensed under any order issued under section 3 of the Essential Commodities Act, 1955 (X of 1955) instead of the supplying the essential commodities declared by or under the said Act to the public concerned in accordance with the scheme of the public distribution system intentionally knowingly or corrupt motives, transfer such essential commodities to other channels or maintains false or fictitious account for the fair distribution of the same, shall be punished with imprisonment of either description which may extend to three years or with fine or both.

30. *Abetment of offence under section 29 by an Officer.*—Whoever, being an officer directly or primarily incharge of supervising the proper working of public distribution system knowingly omits to check and report, connives or abets the commission of the offence punishable under section 29 shall be punished with imprisonment of either description which may extend to three years or with fine or both.

CHAPTER X

MISCELLANEOUS PROVISIONS

31. *Punishment for manipulation of transfers* —Whoever being in the service of the State or of a public undertaking, secures or attempts to secure, his transfer or cancellation of transfer or posting or promotion, otherwise than by representing or approaching through the normal official or prescribed channels, or before he has unsuccessfully exhausted all such channels barring exceptionally hard and emergent cases requiring immediate attention or relief, shall be punished with imprisonment of either description which may extend to six months or with fine or both.

32. *Punishment for drawing salary for the period absence from duty.*—Whoever, being an officer intentionally draws, himself or by suppression of facts or otherwise misrepresenting the facts relating to his absence permits or induces the drawing and disbursing officer to draw and disburse the salary to him for the period of his deliberate unauthorised absence from duty unless the same is regularised by grant of permission or sanction of leave with pay, and thereby cheats the Government shall be punished with imprisonment of either description which may extend to one year or with fine or both.

33. *Proof of sanction.*—The sanction for prosecution of a Government servant for an offence under this Ordinance, issued under section 197 of the Code of Criminal Procedure, 1973 (No. 2 of 1974), and purporting to be duly authenticated and sealed, shall be admissible in evidence without formal proof :

Provided that, where the facts constituting the offence do not appear on the face of the sanction, the Court may call the officer authenticating the sanction to give evidence before it.

34. *Curability of technical defects in the formal sanction*—Any technical defect in the formal sanction granted under section 197 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) for the prosecution of a person employed in connection with the affairs of the State shall not vitiate the trial, unless it is proved that it caused substantial prejudice to the accused.

35. *Cognizance of offences.*—No Court shall take cognizance of and no police officer shall register a case, inquire into or investigate an offence under this Ordinance against any person unless a report in writing is made by such an officer of the State Government as it may by a notification, specify :

Provided that no such report shall be made against a member of judicial service of State save with the prior concurrence of the High Court.

36. *Offences to be bailable, except under Chapter III*—An offence under this Ordinance shall be bailable except offences under Chapter III which shall be non bailable.

37. *Offences to be triable by a Court of Sessions.*—An offence under this Ordinance shall on commitment, be tried by a Court of Sessions.

38. *Provisions not to derogatory to certain laws.*—The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Prevention of Corruption Act, 1947 (No. 2 of 1947), Indian Penal Code, 1860 (No. 45 of 1860), the Indian Forest Act, 1927 (No. 27 of 1927), Bihar and Orissa Excise Act, 1915 (Act 2 of 1915), Essential Commodities Act, 1955 (No. 10 of 1955) and the Code of Criminal Procedure, 1973 (No. 2 of 1974)

39. *Rule making Power*—The State Government may make rules for carrying out the purposes of this Ordinance.

Dated the 28th February 1983.

A.R. Kidwai
Governor of Bihar

Published in the Bihar Gazette, Extraordinary, dated March 5, 1983
INDUSTRIES DEPARTMENT

S. O. 262.—*The 5th March 1983.*—In exercise of the power conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957), the Governor of Bihar is pleased to make the following amendments in the Bihar Minor Mineral Concession, Rules, 1972 published with notification No. B/N-109/72—4275/M of the 22nd June, 1972 :—

AMENDMENT

(i) After Rule 2 (v) the following shall be inserted :—

(v) (a) “Additional Director of Mines” means “Additional Director of Mines appointed as such by the State Government”.

(ii) In Rule 33(4), the words between “the competent Officer” and “or any other officer authorised by the Collector” shall be omitted and in their place the following words shall be substituted :—

"or Director of Mines, or Additional Director of Mines or Deputy Director of Mines".

(iii) In Rule 38 and 40 (7), the words between "The competent Officer" and "or Collector" shall be omitted and in their place the following words shall be substituted :—

"or Director of Mines or Additional Director of Mines or Deputy Director of Mines".

(iv) Clauses (1) and (8) of Rule 40 shall be omitted and the following provision shall be substituted as clause (1) :—

"No minor mineral shall be removed from the lease hold area without payment of royalty, and in case of removal of minor mineral from the lease hold area without payment of royalty, the holder of mining lease, his agent, manager, employee, contractor or sub-lessee shall be presumed to be parties to the illegal removal of the mineral and every such person shall be liable to pay royalty due and shall be punished with simple imprisonment for a term which may extend to six months or with fine, which shall not be less than three times of the royalty due, or with both".

(v) Sub-rule (1) of Rule 45 shall be substituted by the following :—

"(1) (a) The Commissioner, at any time for reasons to be recorded in writing, may on his own motion, and where any person aggrieved by any order passed by the Collector under these rules files an application, within 60 days from the date of communication of the order, and within 75 days from the date on which an application is deemed to have been refused by the Collector, if no communication is made of such refusal, shall start a proceeding for revision of the order.

(b) The application for revision as aforesaid shall be accompanied by a treasury receipt showing that a fee of Rupees 50 has been paid into the Government Treasury or in any branch of the State Bank of India doing treasury business to the credit of the State Government, under the head of account XXXII-C Miscellaneous Social and Developmental Organisation-Miscellaneous (i) fee for grant and renewal of Mineral Concession (ii) Rent royalties from mining leases and licenses :

Provided that an application for revision may be entertained even after the time specified as above if the applicant satisfies the Commissioner that he had sufficient cause for not making the application within time".

(vi) In sub-rule (2) of Rule 45 the word "application" shall be substituted by the word "proceeding".

(vii) Sub-rule (4) of Rule 45 shall be substituted by the following :

"4. On receipt of the application and copies thereof under sub-rule (2), the Commissioner shall send a copy of the application, and where proceeding is started by him on his own motion, under sub-rule (1) he shall send notices of starting the proceeding and reasons thereof to each of the parties unpleaded specifying a date on or before which he may make representation if any, against the revision application".

(viii) In sub-rule (1) of Rule 46 after the words "copies thereof" and before the words "shall be sent" the words "and where proceeding is started by the Commissioner on his own motion notices thereof" shall be inserted.

(ix) In sub-rule (2) of Rule 46 the following words shall be added at its end :—

"or in respect of which a proceeding has been started by him".

2. This notification shall come into force with effect from the date of Publication of the notification in the Bihar Gazette.

**THE BIHAR TENANTS HOLDINGS (MAINTENANCE OF
RECORDS (AMENDMENTS) ACT, 1982**

The following Act of the Bihar legislature received the assent of the Governor and was published in the Bihar Gazette, Extraordinary dated March 11, 1983.

BIHAR ACT NO. 3 OF 1983

An Act to amend the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973.

Be it enacted by the Legislature of the State of Bihar in the thirty third year of the Republic of India as follows :—

1 *Short title, extent and commencement.*—(1) This Act may be called the Bihar Tenant's Holdings (Maintenance of Records) (Amendment) Act, 1982.

(2) It extends to the whole of the State of Bihar.

2. *Amendment of section 2 of the Bihar Act 28 of 1975.*—In section 2 of the Bihar Tenant's Holdings (Maintenance of Records) Act, 1973 (Bihar Act 28 of 1975) (hereinafter referred to as the said Act) clause (c) shall be omitted.

3. *Amendment of section 3 of the Bihar Act 28 of 1975.*—(1) For sub-section (2) of section 3 of the said Act, the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :—

“(2) While preparing the continuous Khatian the Anchal Adhikari shall record the rights of those under-raiyats whose rights have been duly recognised under the existing tenancy Law”.

(2) In clause (v) of sub-section 4 of section 3 for the words and figures “sections 16 and 17” the word and figure “section 16” shall be substituted.

4. *Amendment of section 8 of the Bihar Act 28 of 1975.*—At the end of section 8 of the said Act, the following explanation shall be inserted and shall be deemed always to have been inserted, namely :—

“*Explanation*—Collector under this section means Collector under the relevant Acts”

5. *Substitution of section 11 of the Bihar Act 28 of 1975.*—For section 11 of the said Act, the following section shall be substituted, namely :—

“11. *Under-raiyat claiming to have acquired the status of occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Acquisition of Surplus Land) Act, 1961 to file application before the Anchal Adhikari.*—Every under-raiyat having acquired the status of an occupancy raiyat under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) shall file application in the prescribed form before the Anchal Adhikari.”

6. *Substitution of section 12 of the Bihar Act 28 of 1975.*—For section 12 of the said Act, the following shall be substituted, namely :—

“12. *Persons claiming interest by partition effected either privately or through court or intestate or testamentary succession, transfer,*

exchange, agreement, settlement, lease, mortgage gift or by any other means to file application before the Anchal Adhikari.—After the commencement of this Act in any area every having interest in a holding or part thereof in that area by partition effected either privately or through Court, or intestate or testamentary succession, transfer, exchange, agreement settlement, lease, mortgage, gift or by any other means, shall within three months of accrual of such interest file application in the prescribed form before the Anchal Adhikari of the area in whose jurisdiction that land is situated for mutation of his name in respect of that holding or part thereof in the continuous Khatian and the Tenant's Ledger Register and on receipt of such application, the Anchal Adhikari shall grant a receipt to such person "

7. *Substitution of section 14 of the Bihar Act 28 of 1975.*—For section 14 of the said Act, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

"14. (1) On receipt of notice under sections 4, 5, 6, 7, 8, 9, 10 or an application under section 11 and 12 or a report under section 13 the Anchal Adhikari shall start a mutation proceeding and after entering it in the mutation case register which shall be maintained in the prescribed form, shall cause such enquiry to made as may be deemed necessary.

(2) The Anchal Adhikari shall issue a general notice and also give notice to the parties concerned to file objection, if any, within fifteen days of the issue of the notice. On receipt of objection, if any the Anchal Adhikari shall give reasonable opportunity to the parties concerned to adduce evidence, if any, and of being heard and dispose of the objection and pass such orders as may be deemed necessary.

(3) In cases in which no objections are received the Anchal Adhikari shall dispose them of within one month of the date of expiry of filing objections and in cases in which objections are received, the Anchal Adhikari shall dispose them of in not more than three months from the date of expiry of the period of filing objections."

8. *Amendment of section 15 of the Bihar Act 28 of 1975.*—(i) In sub-section (1) of section 15 of the said Act—

(a) for the figure "(3)", occurring after the word "sub section" the figure "(2)" shall be substituted and

(b) for the words "three months" the words "thirty days" shall be substituted.

(ii) In sub-section (3) of section 15 of the said Act for the words and figures "sections 16 and 17", the word and figure "section 16" shall be substituted.

9. *Repeal of section 17 of the Bihar Act 28 of 1975.*—Section 17 of the said Act shall be omitted.

10. *Substitution of new section for section 20 of the Bihar Act 28 of 1975.*—For section 20 of the said Act, the following shall be substituted, namely:—

"20 *Supply of Khata Pustika to tenants on payment of fee.*—(1) It shall be obligatory upon every tenant whose name is entered in the

continuous Khatian and the Tenant's Ledger Register prepared under section 3 of the Act to obtain a Khata Pustika in respect of his holding in a village which shall be provided to him by the Anchal Adhikari on payment of such fee as may be prescribed, within the time prescribed by the Anchal Adhikari.

(2) The Khata Pustika shall contain the following particulars and have provision for making necessary entries relating to such particulars in future :—

- (i) relevant extracts of the continuous Khatian and the Tenant's Ledger Register in respect of the lands held by the tenant,
- (ii) demand and realisation of rent and cesses,
- (iii) loans advanced by Government or other financial institutions together with repayment made, and
- (iv) events of partition, succession and transfer of land.

(3) The Khata Pustika shall be produced by the tenant before the Anchal Adhikari for updating every year in accordance with time schedule between 15th April and 30th June and the Anchal Adhikari shall, after updating the same, return it to the tenant within seven days from the date it is produced before him :

Provided that the Khata Pustika shall, on application, at any other time before the Anchal Adhikari and on payment of prescribed fee by the tenant, be corrected in accordance with the latest entries in the continuous Khatian and the Tenant's Ledger Register."

11 *Substitution of new section for section 23 of the Bihar Act 28 of 1975.*—For section 23 of the said Act, the following Section shall be substituted, namely :—

"23. *Registering Authority not to register any document unless the Khata Pustika is produced.*—(1) After the commencement of the Bihar Tenants Holdings (Maintenance of Records) (Amendment) Ordinance, 1982, no Registering Authority shall register any instrument of transfer by way of sale, exchange, mortgage lease, partition, gift, agreement or otherwise of a holding or part thereof unless the Khata Pustika in respect of the holding concerned is produced by the transferor before the Registering Authority along with the instrument of transfer.

(2) The Registering Authority shall return the Khata Pustika to the transferor the same day after making necessary entries therein."

12 *Amendment of section 24 of Bihar Act 28 of 1975.*—In section 24 of the said Act for the words and figure "to give any notice under section 12" occurring after the words "If any person required" the words and figures "to file application under section 11 or 12" shall be substituted

13. *Amendment of section 25 of the Bihar Act 28 of 1975.*—In section 25 of the said Act the words "and Sarpanch" shall be omitted.

14. *Amendment of section 26 of the Bihar Act 28 of 1975.*—In section 26 of the said Act the word "Commissioner" and the words "or the Sarpanch" shall be omitted.

15. *Amendment of section 28 of the Bihar Act 26 of 1975*—In section 28 of the said Act after the words “the Land Reforms Deputy Collector” the words “and” shall be added and after the words “the Anchal Adhikari” the words “and the Sarpanch” shall be omitted.

16. *Substitution of new section for section 30 of the Bihar Act 28 of 1975*.—For section 30 of the said Act, the following section shall be substituted, namely :—

“30. *Power to remove difficulties*.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything or direct anything to be done not inconsistent with the provisions of this Act which appears to be necessary for the purpose of removing the difficulty.”

“17. *Amendment of section 31 of the Bihar Act 28 of 1975*.—In section 31 of the said Act, in the heading, for the words, “Act to prevail over other laws” the words “Act not to prevail over other laws”, shall be substituted.

18. *Repeal and saving*.—(1) The Bihar Tenant's Holding (Maintenance of Records) (Amendment) Ordinance, 1982 (Bihar Ordinance 62 of 1982) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of the powers conferred by or under the said ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the Act, as if this Act were in force on the day on which such thing or action were done or taken.

THE BIHAR BUILDING (LEASE, RENT AND EVICTION) CONTROL ACT, 1982.

The following Act of the Bihar Legislature, received the assent of the Governor and was published in the Bihar Gazette, Extraordinary, dated February 21, 1983.

BIHAR ACT NO. 4, OF 1983

An Act to regulate the Letting of Building and the rent of such Buildings and to Prevent unreasonable Eviction of tenants therefrom in the state of Bihar.

Be it enacted by the Legislature of the State of Bihar in the thirty-third year of the Republic of India as follows :—

1. *Short title, extent and commencement*.—(1) This Act may be called the Bihar Building (Lease, Rent and Eviction) Control Act, 1982.

(2) It applies to the whole of the State of Bihar

(3) Section 28 shall come in force immediately and the remaining provisions of this Act shall be deemed to have come into force on the 1st of April, 1981 and shall continue to remain in force :

Provided that the period between expiration of the Bihar Building (Lease, Rent and Eviction) Control Act, 1977 (Bihar Act XVI of 1977) and the commencement of this Act shall not—

(a) render recoverable any sum which during the continuation thereof was irrecoverable or affect the right of a tenant to recover any

sum of which during the continuance of that Act was recoverable by him thereunder ; or

(b) affect any liability incurred under that Act or any punishment incurred in respect of any contravention of that Act or any order made thereunder ; or

(c) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid ;

and any such investigation or legal proceeding may be instituted, continued, or enforced, and any such, punishment may be imposed as if that Act has not expired.

2. *Definition.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Appellate authority” means in respect of any local areas the Collector of the district in which such areas are situated and includes any other officer empowered by the State Government to perform the functions of an appellate authority ;

(b) “Building” means any building, or hut, a part of the building or hut, let or to be let separately for residential purposes, and includes—

(i) the garden, grounds, and outhouses, if any, appurtenant to such building or hut or part of such building or hut ; and

(ii) any furniture supplied by the landlord for use in such building or hut or part of a building or hut ;

(c) “Controller” means in respect of any local areas comprised within the limit of subdivision, the Subdivisional Officer Incharge of the Subdivision, and includes any other officer appointed in this behalf by the State Government to perform the functions of a Controller under this Act.

(d) “Court” means the Court having jurisdiction under the Code of Civil Procedure, 1908 (Act V of 1908), to entertain a suit by a landlord against a tenant for recovery of possession of building in respect of which a suit or application is filed under this Act ;

(e) “fair rent” means the rent of a building determined or re-determined under section 5, 6 or 7 ;

(f) “Landlord” includes the person who for the time being is receiving, or is entitled to receive, the rent of a building whether on his own account or on behalf of another, or on account or on behalf of for the benefit of himself and others or as an agent, trustee, executor, administrator, receiver, guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant ;

(g) “prescribed” means prescribed by rule made under this Act ; and

(h) “tenant” means any person by whom, or on whose account rent is payable for a building and includes—

(i) a person continuing in possession after the termination of the tenancy in his favour ; and

(ii) a person who occupies a building as an employee of the landlord of such building either on payment of rent or otherwise.

(iii) in the event of the death of the person continuing in possession after the termination of his tenancy, subject to the order of succession and condition specified, respectively, in Explanations I and II to this clause, such of the aforesaid persons—

(a) spouse,

(b) son or unmarried daughter, or where there are both, both of them ;

(c) parents,

(d) daughter-in-law, being the widow of predeceased son, as had been ordinarily residing in the premises with such person as a member or members of his family up to the date of his death, but does not include any person against whom an order or decree for eviction has been made.

Explanation I — The order of succession in the event of the death of the person continuing in possession after the termination of his tenancy shall be as follows :—

(a) firstly his surviving spouse ;

(b) secondly, his son or unmarried daughter, or both if there is no surviving spouse, or if the surviving spouse did not ordinarily reside with the deceased person as a member of his family up to the date of his death ;

(c) thirdly, his parents, if there is no surviving spouse, son or unmarried daughter of the deceased person, or if such surviving spouse, son or unmarried daughter or any of them, did not ordinarily reside in the premises as a member of the family of deceased person up to the date of his death ; and

(d) fourthly, his daughter-in-law, being the widow of his predeceased son, if there is no surviving spouse, son, unmarried daughter or parents of the deceased person, or if such surviving spouse, son, unmarried daughter or parents, or any of them did not ordinarily reside in the premises as a member of the family of the deceased person up to the date of his death

Explanation II.—If the person, who acquires by succession, the right to continue in possession after the termination of the tenancy, was not financially dependent on the deceased person on the date of his death, such successor shall acquire such right for a limited period of one year, and, on the expiry of the period or on his death, whichever is earlier, the right of succession to continue in possession after the termination of the tenancy shall become extinguished.

Explanation III.—For the removal of doubts, it is hereby declared that—

(a) where due to Explanation II, the right of any successor to continue in possession after the termination of the tenancy is extinguished, such extinguishment shall not affect the right of any other successor of the same category, the right to continue in possession after the termination of the tenancy shall not, on such extinguishment, pass on to any

other successor specified in any lower category or categories as the case may be ;

(b) the right of every successor, referred to in Explanation I, to continue in possession after the termination of the tenancy, shall not, on the death of such successor devolve on any of his heirs.

3. *Premium, Salami, fine or advance of more than one month's rent not to be claimed or received.*—It shall not be lawful for any person to claim or receive, in consideration of the grant, renewal or continuance of a tenancy of any other like sum in addition to the rent or payment of any sum exceeding one month's rent of such building as rent, in advance.

4. *Enhancement of rent of buildings.*—Notwithstanding anything contained in any agreement or law to the contrary, it shall not be lawful for any landlord to increase, or claim any increase in the rent, which is payable for the time being, in respect of any building except in accordance with the provisions of this Act.

5. *Determination of fair rent of buildings in occupation of tenants -*

(1) When, on application by the landlord or by the tenant in possession of a building or otherwise, the Controller has reason to believe that the rent of that building is low or excessive, he shall hold a summary enquiry and record a finding.

(2) If, on a consideration of all the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to the rent, the Collector is satisfied that the rent of the building is low or excessive he shall determine the fair rent for such building.

6. *Determination of fair rent of buildings not in occupation of tenants.*—The Controller may, on his own motion, and shall on the application of the landlord or a prospective tenant and after making such enquiry, as he may think fit, determine the fair rent for any building not in the occupation of a tenant.

7. *Redetermination of fair rent in certain cases.*—(1) If, at any time after the fair rent of a building has been determined under section 5 or 6, it appears to the Controller that subsequent to such determination some addition, improvement or alteration not included in the repairs, which the landlord is bound to make under any law, contract or custom, has been made to the building at the landlord's expences the Controller may, after making such inquiry, as he thinks fit, redetermine the fair rent of the building.

(2) Any increase in the fair rent allowed under sub-section (1) shall not in any month exceed 5/8th per cent of the cost of the addition, improvement or alteration.

8. *Matters to be considered in determining fair rent.*—(1) (a) For the purposes of this Act the fair rent of a building shall be determined as for a tenancy from month to month

(b) The fair rent of a building shall be determined in accordance with the rules framed for this purpose

(c) In determining the fair rent of any other building under section 5 or 6, the Controller shall have due regard to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances at any time during the twelve months preceding the first day of December, 1980, and to the increased cost of repairs, and in the case of a building which has been constructed after that date, also to any general increase in the cost of site and building construction :

Provided that where the Controller is satisfied, on an application made to him by the landlord under section 5, that the rent of a building referred to in this clause is low, the Controller shall, in determining the fair rent of such building to be payable by a tenant, fix the rent of the building at a figure which shall not be less than the average monthly rent actually paid for the same or similar accommodation by any tenant over the period of twelve months preceding the first day of December, 1980, increase by not more than 25 per cent of the average monthly rent so received by the landlord during the aforesaid period in addition to the enhancement, if any, on account of the increase cost of repairs or the general increase in the cost of sites and building construction, where such enhancement is admissible under the foregoing provision of this clause.

Explanation.—(1) —For the purposes of this clause, where rent was charged by the landlord or actually paid by the tenant for the same building over the aforesaid period on any other than a monthly basis the average monthly rent for such building shall be calculated at thirty times the average rent per day of the period in respect of which the rent was charged or actually paid.

(2) When the fair rent of a building has been determined re-determined, any sum in excess or short of such fair rent paid, in respect of occupation for any period after such date shall, in case of excess, be refunded to the person by whom it was paid or at the option of such person be otherwise adjusted and, in case of shortage be realised by the landlord as arrears of rent from the tenant :

Provided that if a building is let out subsequent to the determination or re-determination of a fair rent, on a rent which is less than the fair rent, so determined or re-determined the landlord shall not be entitled at any time to realise the difference between the fair rent and the rent at which the tenant was admitted to occupation.

9 *Directions for repairs to the building.*—(1) Every landlord shall carry out the repairs which he is bound, under any law, contract or custom, to make to a building in the possession of tenant.

Explanation.—In this sub-section "repairs" include annual white-washing re-colouring and periodical repairs.

(2) If the landlord fails to carry out annual white-washing, re-colouring and periodical repairs, which he is bound to make, the tenant may by notice require him to carry out the same within one month from the date of service of the notice and, on the landlord's failure to do so within the said period, the tenant may himself carry out the same at a cost not exceeding one month's rent for the building and deduct such cost from the rent.

(3) If the landlord neglects to carry out repair other than those referred to in sub-section (2), which he is bound to make, the Controller shall, on application by the tenant, which shall specify the approximate cost of such repairs, cause a notice to be served on the landlord to appear and show cause, within such time as may be fixed against the application.

(4) If the landlord does not appear in obedience to the notice or if he appears but fails to satisfy the Controller as to why he should not be directed to carry out the repairs or such of them as he finds the landlord is bound to make, the Controller shall after making such further inquiry as may be necessary direct him to carry out the same within a time to be fixed, and on the landlord's failure to comply with such direction, the Controller may permit the tenant to carry out such repairs at a cost not exceeding such amount as may be specified in the order and to recover such cost from the landlord. It shall, thereafter, be lawful for the tenant to make such repairs and to deduct the cost thereof from the rent or to recover it otherwise from the landlord as if it were a debt due to him by the landlord :

Provided that if the Controller is satisfied that the repairs involved were due to the negligence of the tenant, he will order the tenant to make such repairs and the cost of repair shall be borne by the tenant and the same shall not be recoverable from the landlord by deduction from the rent.

10. *Landlord not to interfere with amenities enjoyed by the tenant.*—(1) No landlord shall without just or sufficient cause cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in possession of a building may if the landlord has contravened the provisions of sub-section (1), make an application to the controller complaining of such contravention and may restore any of the amenities his own responsibility, pending consideration of his application by the Controller.

(3) If the Controller on enquiry is satisfied that the landlord has without just or sufficient cause cut off or withheld any of the amenities enjoyed by the tenant at the time of the commencement of the tenancy or at the time thereafter, he shall—

(i) in case such amenity has already been restored by the tenant, make an order directing the landlord to pay to the tenant the cost of such restoration as determined by him within such time as may be specified in the order ; and

(ii) in any other case, direct the landlord to restore such amenity at such cost at such cost and within such time as may be determined by him and also that in case the landlord fails to do so, the amenity may be restored by the tenant at his own cost and such amount as may be specified in the order may be recovered by the tenant as the cost of the restoration either by adjustment towards the rent payable by him or as if the amount were a debt due to him by the landlord.

Explanation.—In this section 'amenities' include supply of water, electricity lights in passages and in staircases, lifts and conservancy or sanitary services.

11. *Eviction of tenants.*—(1) Notwithstanding anything contained in any contract or law to the contrary but subject to the provisions of the Industrial Dispute Act, 1947 (Act XIV of 1947), and to those of section 18, where a tenant is in possession of any building, he shall not be liable to eviction therefrom except in execution of a decree passed by the Court on one or more of the following grounds :—

(a) for breach of the conditions of the tenancy, or for subletting the building or any portion thereof without the consent of the landlord, or if he is an employee of the landlord occupying the building as an employee, on his ceasing to be in such employment ;

(b) where the condition of the building has materially deteriorated owing to acts of waste by, or negligence or default of, the tenant or of any person residing with the tenant or for whose behaviour the tenant is responsible;

(c) where the building is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any person for whose benefit the building is held by the landlord :

Provided that where the Court thinks that the reasonable requirement of such occupation may be substantially satisfied by evicting the tenant from a part only of the building and allowing the tenant to continue occupation of the rest and the tenant agrees to such occupation, the Court shall pass a decree accordingly, and fix proportionately fair rent for the portion in occupation of the tenant, which portion shall henceforth constitute the building within the meaning of clause (b) of section 2 and the rent so fixed shall be deemed to be the fair rent fixed under section 5;

Explanation 1—In this clause the word “landlord” shall not include an agent referred to in clause (f) of section 2.

Explanation II.—Where there are two or more premises let out by landlord, it will be for the landlord to choose which one would be preferable to him and the tenant or tenants shall not be allowed to question such preference.

(d) where the amount of two months rent, lawfully payable by the tenant and due from him is in arrears by not having been paid within the time fixed by the contract, or in the absence of such contract by the last day of the month next following that for which the rent is payable or by not having been validly remitted or deposited in accordance with section 16;

(e) in case of a tenant holding on a lease for a specified period, on the expiry of the period of the tenancy; and

(f) the landlord requires the premises in order to carry out any building work at the instance of the Government or the Municipality or, Municipal Corporation or the Notified Area Committee or Regional Development Authority or any other Authority within whose jurisdiction the building lies and such building work cannot be properly and fully carried out without the premises being vacated.

(2) (a) Where a servant of the Government in possession of any building as a tenant intends to vacate such building, he shall give

fifteen days, previous notice in writing of his intention to do so to the landlord and the District Magistrate who shall under intimation to the landlord, within a week of the receipt of the notice, either allot the building to any other servant of the Government whom the District Magistrate thinks suitable subject to the payment of rent, and the observance of the conditions of the tenancy by such servant of the Government or direct that the landlord shall be but in possession of the building ;

Provided that when no such order is passed by the District Magistrate, the landlord shall be deemed to have been put in possession of the building.

(b) Where a building is vacated by a servant of the Government any person occupying such building other than the persons referred to in clause (a) shall be liable to be evicted by the District Magistrate in such manner as may be prescribed :

Provided that after a landlord has been or is deemed to have been put in possession of such building, he may let it to any person.

12. *Binding nature of the order of the Court on all persons in occupation of the building.*—Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason, whatsoever, and any order is made by the Court under this Act, for the recovery of possession of such premises, the order shall be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom :

Provided that nothing in this section shall apply to any person who has an independent title to such a premises or to tenant who has been inducted with the express written permission of the landlord himself personally.

13. *The provision of section 14 to have overriding effect.*—The provisions of section 14 or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this or in any other law for the time being in force.

14. *Special procedure for disposal of cases for eviction on ground of bona fide requirement.*—(1) Every suit by a landlord for the recovery of possession of any premises on the ground specified in clause (c) or (e) of sub section (1) of section 11 shall be dealt with in accordance with the procedure specified in this section.

(2) The Court shall issue summons in the prescribed form in every suit referred in sub-section (1) without delay.

(3) (i) The Court shall, in addition to, and simultaneously with, the issue of summons for service on the tenant or tenants, also direct the summons to be served by registered post with acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the publication of the summons in the Official Gazette or in newspapers

circulating in the locality, in which the tenant is last known to have resided or carried on business or personally worked for gain.

(ii) When an acknowledgment purporting to be signed by the tenant or his agent is received back with an endorsement purporting to have been made by a postal employee to the effect that tenant or his agent has refused to take delivery of the registered article, the Court may declare that there has been a valid service of summons.

(4) The tenant on whom summons is duly served (whether by ordinary mail or by registered post) shall not contest the prayer for eviction from the premises unless he files an affidavit stating the ground on which he seeks to make such contest and obtains leave from the Court as hereinafter provided ; and in default of the appearance in pursuance of the summons or his obtaining such leave the statement made by the landlord in the suit for eviction shall be deemed to be admitted by the tenant and the landlord shall be entitled to an order for eviction on the ground aforesaid.

(5) The Court shall give to the tenant leave to contest the suit if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for eviction on the grounds specified in clauses (c) and (e) of sub-section (1) of section 11.

(6) When leave is granted to the tenant to contest the suit, the latter may, within fifteen days from the date of the order, pray for filing the requisite Court-fee, required for a written statement that the affidavit may be treated as the written statement or if he chooses to file a separate written statement he may do so within fifteen days of the grant of leave to contest the suit and if he does not file the written statement within the period he shall not be allowed to do so later. The Court shall thereafter commence the hearing of the suit as early as practicable.

(7) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) or any other law, the Court while hearing a suit under this section shall follow the practice and procedure of a Court of Small Causes including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made in accordance with procedure specified in this section :

Provided that on an application being made within sixty days of the order of eviction, the High Court may, for the purpose of satisfying itself that an order under the section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court in revision as laid down in sub-section (8) above, the Court, which passed the order for eviction may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) :

Provided that no such review shall be made unless an application is filed for the same within ninety days of the date of order of eviction

15. *Deposit of rent by tenants in suits for ejectment.*—(1) If, in a suit for recovery of possession of any building, the tenant contests the

suit as regards claim for ejectment, landlord may move an application at any stage of the suit for order on the tenant to deposit rent month by month at a rate at which it was last paid and also, subject to the law of limitation, the arrears of rent, if any, and the Court after giving opportunity to the parties to be heard, may make any order for deposit of rent month by month at such rate as may be determined and the arrears of rent, both of before and after the institution of the suit, if any, and on failure of the tenant to deposit the arrears or rent within fifteen days of the order or the rent at such rate for any month by the fifteenth day of the next following month, the Court shall order the defence against ejectment to be struck off and the tenant to be placed in the same position as if he had not defended the claim to ejectment and further the Court shall not allow the tenant to cross-examine the landlords witnesses.

(2) If in any proceeding referred to in sub-section (1), there is any dispute as to the person or persons to whom the rent is payable the Court may direct the tenant to deposit in Court the amount payable by him under sub-section (1) and in such case no person shall be entitled to withdraw the amount in deposit until the Court decides the dispute and makes an order for payment of the same.

(3) If the Court is satisfied that any dispute referred to in sub-section (2) has been raised by a tenant for reasons which are false or frivolous the Court may order the defence against the eviction to be struck off and proceed with the hearing of the suit as laid down in sub-section (1).

16. Deposit of rent determined by the Controller during the pendency of appeal or revision —(1) Where the fair rent of any building has been determined by the Controller under provisions of this Act and the tenant prefers an appeal to the appellate authority against the order of the Controller or makes an application for revision to the Commissioner against the order of the appellate authority, as the case may be; it shall be required of the tenant to pay the rent at the rate fixed by the Controller month to month by the fifteenth day of the following month, together with arrears, if any, and he may deposit such rent in the prescribed manner stating the circumstances in which such deposit is made until the dispute regarding the fair rent has been settled between the parties.

(2) The appellate authority or the Commissioner may, after giving an opportunity to the parties to be heard, make an order for deposit of rent at such rate as may be determined month by month and arrears of rent, if any, and in case of non-compliance of this order, the appellate authority or the Commissioner shall order the defence against the fair rent order to be struck off. The landlord may apply for permission to withdraw the amount of rent so deposited without prejudice to any other legal remedy to which he is otherwise entitled and the court may permit him to do so.

17. When a tenant is entitled to restoration of possession and compensation.—Where the landlord recovers possession of any building from the tenant by virtue of a decree secured because of clauses (c)

and (c) of sub-section (1) of section 11 and the building is not occupied by the landlord, or by the person for whose benefit the building is held within one month of the date of vacation of the building by such tenant, or the building having been so occupied, is re-let within six months of the date of such occupation to any person other than such tenant without the permission of the Controller, the Court may, on the application of such tenant, made within one month of his vacating the building, and giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of the building or to pay him such compensation as may be fixed by the Court or both.

18. *Extension of period limited by lease.*—(1) If a tenant in possession of any building, held on a lease for a specified period, intends to extend the period limited by such lease he may give the landlord at least one month before the expiry of the period limited by the lease, a written notice of his intention to do so, and upon the delivery of such notice the said time shall subject to the provision of section 11 be deemed to have been extended by double the period covered by the original lease subject to a maximum of one year only.

(2) Where the landlord to whom notice has been given under sub-section (1) wishes to object to the extension demanded by the tenant on one or more of the ground mentioned in sub-section 11 or on the ground that the landlord has any other good and sufficient cause for terminating the lease on the expiry of period limited thereby, he may, within fifteen days of the delivery of such notice, apply to the Court in the behalf and the Court after hearing the parties may terminate the lease or extend the same for such period as it deems proper in the circumstances :

Provided that the tenant shall not in any case be allowed to remain in possession of the building beyond the period permissible under sub-section (1).

(3) If the tenant fails to vacate the building on the termination of lease or as the case may be on the expiry of the period fixed by the Court under sub-section (2), the Court shall on an application by the landlord pass an order for ejectment, which shall be executed as a decree and may further order that the tenant shall pay to the landlord such amount as may be determined by it as daily compensation.

19. *Deposit of rent by tenant on refusal of the landlord to accept it or in case of doubt or dispute as to the person entitled to receive it.*—

(1) When a landlord refuses to accept any rent lawfully payable to him by a tenant in respect of any building, the tenant may remit such rent and continue to remit any subsequent rent which becomes due in respect of such building, by postal money order to the landlord.

(2) Where any bona fide doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any building, the tenant may deposit such rent in the prescribed manner, stating the circumstances under which such deposit is made, and, may, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties, continue to deposit in like manner, the rent that may subsequently become due in respect of such building.

(3) When a deposit has been made under sub-section (2), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute, which has arisen as to the person, who is entitled to receive the rent, either by the decision of a competent Court or by settlement between the parties, and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is held by the Controller to be entitled to it in accordance with such settlement.

20. *Tenant making payment of rent entitled to receipt.*—(1) Every tenant who makes a payment on account of rent to his landlord shall be entitled to obtain forthwith from the landlord a receipt in the prescribed form for the amount of rent paid by him, duly signed by the landlord or his appointed agent.

(2) If a landlord without reasonable cause fails to deliver the tenant a receipt, as required by sub-section (1) such landlord shall be liable to fine not exceeding double the amount of rent so paid to be imposed after summary inquiry by the Controller upon a complaint of the party aggrieved within three months from the date of such failure.

21. *Controller to maintain list of fair rents.*—The Controller shall maintain up-to-date list showing the fair rents of building as determined or re-determined by him from time to time under this Act.

(2) A copy of the list shall remain in the office of the Controller available for inspection free of charge, during office hours, and copies of the entries in such list may be granted by the Controller on payment of such charge, not exceeding rupee one per copy, as may be fixed by the Controller.

22. *Powers of Controller to make enquiries and inspections.*—

(1) For the purpose of any enquiry under this Act, the Controller may—

(a) enter and inspect any building at any time between sunrise and sunset or authorise any officer subordinate to him to so enter and inspect any building:

Provided that no building shall be entered, without the consent of the occupier, unless at least twenty-four hours' previous notice in writing has been given; and

(b) by written order, require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the enquiry, at such time and at such place as may be specified in the order.

(2) The Controller shall, in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and, so far as may be, in the same manner as provided in the case of a Court by the Code of Civil Procedure, 1908 (V of 1908).

23. *Execution of orders of Controller and Commissioner.*—Every order of the Controller passed under this Act, where no appeal against such order has been preferred under section 24, every order of the appellate authority on appeal under section 24 and every order of the Com-

missioner passed in revision under section 26 shall be executed by the Court as if such order were a decree passed by such Court.

24. Appeal.—(1) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of receipt of such order by him, prefer an appeal in writing to the appellate authority.

(2) On such appeal being preferred, the appellate authority, may—

(a) after perusing the memorandum of appeal and hearing the appellate, if necessary, summarily dismiss the appeal; or

(b) call for the records of the case from the Controller and after examining such records and, if necessary, making such further enquiry as he thinks fit decide the appeal.

(3) Subject to the provision of section 26 of the decision of the appellate authority and subject only to such decision, where appeal lies, an order of the Controller shall be final, and shall not be liable to be questioned in any Court of law whether in suit or other proceeding by way of appeal or revision.

25. Award of costs—In every order passed by the Controller under this Act, and, every order of the appellate authority or the Commissioner passed on appeal under section 24 or in revision under section 26, as the case may be, the authority passing such order may, if it thinks fit award cost to the person in whose favour the order is passed and the cost so awarded shall include such sum as compensation for the expense, trouble and loss of time incurred in, or incidental to, the hearing of the case as the authority may deem just and reasonable.

26. Power of revision of Commissioner.—Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Commissioner may, either of his own motion or on application made to him in this behalf, revise any order passed by the Controller or by appellate authority on appeal under this Act.

27. Notice to landlord or tenant by Controller before exercising powers under this Act.—Before exercising any of the powers conferred by this Act the Controller shall give notice of his intention to do so to the landlord and to the tenant, if any, and shall consider any application that may be received by him, within the period specified in the notice, from such landlord or tenant or from any other person likely to be affected by the exercise of such powers and shall hear the applicant, if so desired by him.

28. Penalties.—(1) If any person contravenes any of the provisions of this Act, he shall, except as otherwise provided in section 20, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(2) Whoever fails to comply with any direction made or deemed to have been made under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine or with both :

Provided that the Court trying any offence under this section may order the whole or any part of the fine recovered to be applied to the

payment to any person as compensation for any loss caused by the offence.

29. *Supply of certified copies of orders and decisions of Controller and Commissioner.*—Any person affected by any order of the Controller or any decision of the appellate authority on appeal or any order of the Commissioner in revision made or passed under this Act shall be entitled to be furnished with a copy thereof, duly certified by the Controller, the appellate authority or the Commissioner as the case may be, to be a true copy, on payment of such fee as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller, the decision of the appellate authority on appeal or the order of the Commissioner in revision, as the case may be.

30. *Decisions which have become final not to be re-opened*—The Controller shall summarily reject, any application which raises substantially the same issues as have been heard and finally decided in a former proceeding under this Act between same parties under whom they or any of them claim.

31. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to have been made under this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act.

32. *Act not to apply to buildings owned by Government and Trusts.*—Nothing contained in this Act shall apply to a tenant whose landlord is the local authority or the State Government or the Central Government or the Bihar State Shwetamber Jain Trust Board or Bihar State Digamber Jain Trust Board or the Wakf which may be under the Bihar State Wakf Boards.

33. *Power to make Rules.*—(1) The State Government may make rule for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:—

(a) the manner of depositing rent under sub-section (2) of section 19 and the manner of service of notice of such deposit of rent on the landlord;

(b) the form of receipt on account of payment of rent under this Act;

(c) charging or remitting of costs and fees under this Act and the fixing of the amount or the scale of such costs and fees;

(d) the manner of exercising the powers of revision by the Commissioner under section 26;

(e) any other matter by this Act required or expressly or impliedly authorised, to be prescribed.

34. Repeal and saving.—(1) The Bihar Building (Lease, Rent and Eviction) Control Ordinance, 1982 (Bihar Ordinance No. 63 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

THE JHARIA WATER SUPPLY (AMENDMENT) ORDINANCE 1983

Published in Bihar Government Gazette, Extraordinary,
dated May 27, 1983.

BIHAR ORDINANCE NO. 15, OF 1983

An Ordinance to amend the Jharia Water Supply Act, 1914 (Bihar and Orissa Act 3 of 1914).

Preamble.—Whereas, the legislature of the State of Bihar is not in session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Jharia Water Supply Act, 1914, (Bihar and Orissa Act 3 of 1914) in the manner hereinafter appearing ;

Now, therefore, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance—

1. Short title and commencement.—(i) This Ordinance may be called the **Jharia Water Supply (Amendment) Ordinance 1983.**

(ii) It shall come into force at once

2. Amendment of section 56 of Bihar and Orissa Act 3 of 1914.—For section 56 of the Bihar and Orissa Act (3 of 1914), the following section shall be substituted namely :—

“5. Royalty Cess.—(1) An additional Cess shall be levied and realised by the State Government on the basis of the amount of royalty received by the State Government which shall not be more than five per cent of the amount of royalty so received.

(2) The additional Cess collected by Government under sub-section (1) shall be transferred to the accounts of the Jharia Water Board to carry out the purposes of the Jharia Water Supply Act, 1914.

Explanation.—For sub-sections (1) and (2) the State Government means State Government (Mines and Geology Department).

(3) The expenditure of the amount received by the Jharia Water Board under sub-section (2) shall be incurred with the prior permission of the State Government.

Explanation.—For sub-section (3), State Government means State Government (Urban Development Department).

A. R. KIDWAI.
Governor of Bihar.

Dated the 25th May 1983.

**THE BIHAR VINIRDISHTA BARAHSTA ACHARAN NIVARAN
SECOND ORDINANCE, 1983.****BIHAR ORDINANCE NO. 9, OF 1983**

[Text omitted as it repeals Bihar Ordinance No. 6 of 1983. Printed at Page No. 38, of this part. Editor.]

**THE BIHAR BRICKS SUPPLIES (CONTROL) SECOND
ORDINANCE, 1983.****BIHAR ORDINANCE NO. 13, OF 1983**

[Text omitted as it repeals Bihar Ordinance No. 4 of 1983, Printed at Page 35, of this part. Editor.]

Published in the Bihar Gazette, Extraordinary, dated March 31, 1983.

**THE BIHAR MINING SETTLEMENT (AMENDMENT)
ORDINANCE, 1983****BIHAR ORDINANCE, NO. 7 OF 1983**

An Ordinance to amend the Bihar and Orissa Mining Settlement Act, 1920 (Bihar and Orissa Act 4 of 1920)

Preamble.—Whereas the Legislature of the State of Bihar is not in Session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Mining Settlement Act, 1920 (B. & O Act 4 of 1920) in the manner hereinafter appearing;

Now therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Bihar Mining Settlement (Amendment) Ordinance, 1983.

2. *Amendment of Section 13 of Bihar and Orissa Mining Settlement Act, 1920 (B. & O. Act 4 of 1920).*—In section 13 of the Bihar and Orissa Mining Settlement Act, 1920 (B. & O. Act 4 of 1920).—

For Clause (ii) of sub-section (2) of Section 13 of the Bihar & Orissa Mining Settlement Act, 1920 (B. & O Act 4 of 1920), the following clause shall be deemed to have always been substituted, namely :—

“(ii) If it thinks fit, grant a pension or Gratuity to any member of the family of any of its officers or servants in case of his death while in service or within five years after retirement.”

Published in the Bihar Gazette, Extraordinary dated March 31, 1983.

**THE BIHAR MUNICIPAL (AMENDMENT) SECOND
ORDINANCE, 1983**

BIHAR ORDINANCE NO. 8 OF 1983

An Ordinance to amend the Bihar and Orissa Municipal Act, 1922.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Municipal Act, 1922 (Bihar and Orissa Act VII of 1922), in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement*—(1) This Ordinance may be called the Bihar Municipal (Amendment) Second Ordinance, 1983.

(2) It shall come into force at once.

Note

The Ordinance repeats the amendments made by the previous Ordinance 2 of 1983. Sections 2 to 28 omitted.

29. *Repeal and Saving.*—(1) The Bihar Municipal (Amendment) Ordinance, 1983 (Bihar Ordinance No. 2 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Ordinance as if this Ordinance was in force on the day on which such thing or action was done or taken.

**THE BIHAR CONTINGENCY FUND (AMENDMENT)
ORDINANCE, 1983**

Published in the Bihar Gazette, Extraordinary dated June 18, 1983.

BIHAR ORDINANCE NO. 16 OF 1983

An ordinance to amend the Bihar contingency Fund Act, 1950.

Promulgated by the Governor of Bihar in the thirty-fourth year of the Republic of India.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Contingency Fund Act, 1950 (Bihar Act 19 of 1950), in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bihar Contingency Fund (Amendment) Ordinance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 4 of Bihar Act 19 of 1950.*—For the proviso to section 4 of the Bihar Contingency Fund Act, 1950 (Bihar Act 19 of 1950) (hereinafter referred to as the said Act), the following proviso shall be substituted, namely :—

“Provided that the during the period beginning on the date of commencement of the Bihar Contingency Fund (Amendment) Ordinance, 1983, and ending on 31st day of March, 1984, the section shall have effect subject to the modification that for the words “fifty crores of rupees” the words “one hundred crores of rupees” shall be substituted.”

3. *Amendment of section 5 of Bihar Act 19 of 1950.*—To section 5 of the said Act the following proviso shall be added, namely :—

“Provided that if advance made from the Contingency Fund in any financial year is authorised by the State Legislature in the current financial year and the amount of such authorisation exceeds the permanent corpus of the Fund; the amount in excess of the permanent corpus shall be placed to the credit of the Consolidated Fund of the State and not to the Contingency Fund.”

Dated the 13th June 1983.

A. R. KIDWAI,
Governor of Bihar

**THE BIHAR LAND REFORMS (FIXATION OF CEILING
AREA AND ACQUISITION OF SURPLUS LAND
(AMENDMENT) ACT, 1982**

The following Act of the Bihar legislature received the assent of the Governor and was published in the Bihar Gazette, Extraordinary dated May 23, 1983.

BIHAR ACT NO. 55 OF 1982

An Act to amend the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

Be, it enacted by the Legislature of the State of Bihar in the thirty-third year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982.

(2) It shall be deemed to have come into force with effect from the 9th April 1981.

2. *Amendment of section 2 of Bihar Act XII of 1982.*—In section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) hereinafter referred to as the said Act,—

(i) After clause (b) the following clause shall be inserted, namely :—

“(c) ‘Commissioner’ means Commissioner of a Division and includes any Officer not below the rank of the Collector of a district appointed by the State Government to discharge all or any of the functions of a Commissioner under the Act” ;—

(ii) in clause (f) after the words “Kharhur or pasturage” the words “or forest land or even land perennially submerged under water” shall be inserted and shall be deemed always to have been inserted ;

(iii) in clause (f) the existing Explanation shall be renumbered as “Explanation I” and after the said Explanation as so renumbered the following Explanation shall be added and shall be deemed always to have been added, namely.—

“*Explanation II.*—Land perennially submerged under water shall not include land submerged in the bed of a river;” and

(iv) for clause (g), the following clause shall be substituted and shall be deemed always to have been substituted, namely :—

“(g) ‘Land-holder’ means a family as defined in clause (cc) holding land as raiyat or as under-raiyat or a mortgagee of land in possession or holding land permanently settled by Government or lessee of land not resumable by Government.”

3. *Amendment of section 4 of Bihar Act XII of 1962.*—In section 4 of the said Act for clause (f), the following clause shall be substituted, namely :—

“(f) forty-five acres equivalent to 18.211 hectares of hilly, sandy, forest land, even land perennially submerged under water or other kind of land none of which yields paddy, rabi or cash crops (hereinafter referred to as Class VI land)”

4. *Substitution of new section for section 5 of Bihar Act XII of 1962.*—For section 5 of the said Act, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

“5. *No person to hold land in excess of the ceiling area.*—(1) (i) It shall not be lawful for any family to hold, except otherwise provided under this Act, land in excess of the ceiling area,

Explanation.—All lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family.

(ii) No land-holder holding land in excess of the ceiling area shall, from the commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1972 (Bihar Act I of 1973) and till the publication of notification under section 15, transfer any land held by him except with the previous permission in writing of the Collector who may refuse to give such permission if he is satisfied for the reasons to be recorded in writing that the transfer is proposed to be made with a mala fide intention of defeating the object of this Act :

Provided that the transfer of any land made with the previous permission of the Collector, shall be deemed to have been made from within the ceiling area admissible to the land-holder.

Provided also that the transfer of any land beyond the ceiling area admissible to the land-holder shall be deemed to have been made with the object of defeating the provisions of the Act;

(iii) Notwithstanding anything to the contrary contained in any judgement, decree or order of any court or authority, the Collector shall have power to make enquiries in respect of any transfer of land by a land-holder whether by a registered instrument or otherwise made after the 22nd day of October, 1959, and if he is satisfied that such transfer was made with the object of defeating, or in contravention of the provisions of this Act or for retaining, benami or farzi land in excess of the ceiling area, the Collector may after giving reasonable notice to the parties concerned to appear and be heard annul such transfer and thereupon the land shall be deemed to be held by the transferor for the purposes of determining the ceiling area he may hold under this section.

(iv) Land donated by a land-holder under the Bihar Bhoodan Yagyana Act, 1954 (Bihar Act XXII of 1954), to the extent it subsequently vests in the Bhoodan Yagyana Committee constituted under the said Act before the date of the final publication of draft statement under section 11 of this Act, shall not be taken into account in determining the area he may retain under this section ;

(2) (i) Where the number of members in a family on the appointed day exceeds five the family may hold in addition to the ceiling area determined under section 4, land not exceeding one-tenth of the ceiling area for that class of land for every such additional member :

Provided that in no case the aggregate of the land held by the family shall exceed one and a half times the ceiling area ;

(ii) Any land which a land-holder is allowed to hold under this section shall not be liable to be acquired by the State Government under this Act merely by reason of any subsequent improvement in the land or diminution in the number of persons referred to in clause (i) :

Provided that the ceiling area shall be re-determined where subsequently the classification of land improves as a result of irrigation

work constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law for the time being in force whether or not the land-holder actually draws water from the source.

Explanation.—(i) For the purpose of this section, where the land-holder is a company or association or body of individuals the number of persons entitled to be maintained under their personal law and dependent upon the land-holder shall be deemed to consist of not more than five ;

(ii) For the purposes of this Act, except the Schedule, one acre of Class I land shall be deemed to be equivalent to 1.20 acres of Class II, 1.66 acres of Class III, 2 acres of Class IV, 2.50 acres of Class V and 3 acres of Class VI land ;

(iii) The ceiling area which a Co-operative Society may hold in addition to such area as may be mortgaged or sublet to it under section 20, shall be the aggregate of the land held by its individual members, subject to the ceiling area for each member”.

5. *Substitution of new section for section 9 of the Bihar Act XII of 1962.*—For section 9 of the said Act, the following section shall be substituted and shall be deemed always to have substituted, namely:—

“9. *Option of family to select its ceiling area.*—(1) Where the area of land held by a family exceeds the ceiling area it shall have, subject to the provisions of sub-sections (2), (3) and (4) and other provisions of this Act, the option to select, within the period prescribed in sub-section (3) of section 10, the land which it desires to retain in accordance with the provisions of section 5 ;

(2) Where the land held by the land-holder includes land transferred by him in accordance with or in contravention of the provisions of clause (ii) of section (1) of section 5, the land so transferred in accordance with or in contravention of clause (ii) of sub-section (1) of section 5 shall, to the extent of the ceiling area admissible to the land holder, be deemed to have been selected by him for retention within the ceiling area, and where the total area of such land is less than the ceiling area admissible to him, the land-holders shall select the balance of ceiling area from his remaining land :

Provided that where the land so transferred in accordance with or in contravention of clause (ii) of sub-section (1) of section 5 is equal to or more than the ceiling area admissible to him if because of the selection under Sub-section (2) the land-holder's homestead cannot be retained within his ceiling area, the land-holder may be permitted to hold his homestead subject to a maximum limit of two acres only.

(3) Where the land held by the land-holder includes land whose transfer has been annulled under clause (iii) of Sub-section (1) of Section 5 but does not include any land transferred in accordance with or in contravention of the provisions of clause (ii) of Sub-section (1) of section 5 the land-holder shall select to the extent of fifty per cent of his ceiling area from land whose transfer has been annulled under clause (iii) of Sub-section (1) and shall select the balance of the ceiling area from other land held by him,

(4) Where, however, the land held by land-holder includes land transferred by him in accordance with or in contravention of the provisions of clause (ii) of Sub-section. (1) of Section 5 as well as land whose transfer has been annulled under clause (iii) thereof, the land transferred in accordance with or in contravention of clause (ii) of Sub-section (1) of Section 5 shall, to the extent not exceeding the ceiling area be deemed to have been selected by him within his ceiling area first and if this land is less than ceiling area admissible to him, he will select the remaining land to be retained by him within the ceiling area firstly from the land whose transfer has been annulled under clause (iii) of Sub-section (1) of Section 5 to the extent of fifty per cent of the remaining ceiling area only and the balance will be selected by him from out of the remaining lands :

Provided further that where the land-holder fails to select land within the stipulated time, it shall be lawful for the Collector to allot to the land holder land equal to the ceiling area to be retained by him under Section 5 in accordance with this section.

6. *Amendment of Section 10 of the Act XII of 1962.—*

In section 10 of the said Act,—

(a) (i) in clause (c) of sub-section (1) the word "and" at the end shall be omitted,

(ii) after clause (c) of sub-section (1) the following clauses shall be inserted, namely :—

"(c1) the area and description of land transferred by the land-holder in accordance with or in contravention of the provisions of clause (ii) of Sub-section (1) of Section 5;

(c2) substance of the findings of the Collector under clause (iii) of sub-Section (1) of Section 5,

(c3) the substance of the recommendation and order regarding exemption under Section 29 ; and"

(b) for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) The draft statement shall be published in the official Gazette of the district and at such places, and in such manner, as may be prescribed :

Provided that a copy of the draft statement shall be served on the land-holder or land-holders concerned or on their guardian or guardians, as the case may be, by registered post with acknowledgement due which shall be conclusive evidence of the service of such notice, and"

(c) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) Any objection to the draft statement in respect of the matters specified in clause (a), (b), (c) and (d) of sub-section (1) received within 30 days of the publication of the draft statement or service thereof under sub-section (2) whichever is later, preferred by any claim or interest in said matters shall be considered by the Collector who shall, after giving the parties a reasonable opportunity of being heard and adducing evidence, pass such orders as he thinks fit :

Provided that the Collector may on an application made by the Land-holder or person having claim or interest in the land, extend the period of filing objection by another fifteen days.

7. *Amendment of Section 11 of the Bihar Act XII of 1962.*—In section 11 of the said Act.—

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

“(i) When the objection or claim, if any, preferred under sub-section (3) of Section 10 has been disposed of by the Collector, shall whether there is any surplus land or not, make such alteration in the draft statement as may be necessary to give effect to any order passed on the objection or claim and shall cause the said statement with the alteration, if any, to be finally published in the official Gazette of the district and in such place and in such manner as may be prescribed and a copy thereof duly certified by the Collector in the prescribed manner, shall be sent to the land-holder by registered post with acknowledgment due;

(ii) Sub-section (2) shall be omitted; and

(iii) Sub-section (3) shall be renumbered as sub-section (2)”.

8. *Amendment of 15 of the Bihar Act XII of 1962.*—For sub-section (1) of section 15 of the said Act, the following sub-section shall be substituted, namely :—

“(1) The State Government or the Collector of the district specially so empowered in this behalf shall after the statement under sub-section (1) of section 11 has been finally published and subject to appeal or revision, if any, acquire, the surplus land by publishing in the official Gazette of the district, a notification to the effect that such land is required for a public purpose and such publication shall be conclusive evidence of the notice of the acquisition to the person or persons concerned :

Provided that without awaiting the result of appeal or revision the State Government or the Collector of the district specially so empowered in this behalf may proceed to acquire such of the surplus land holder in respect of which there is no claim or dispute or which is admitted by the land-holder to be surplus :

Provided further that a copy of the notification shall also be sent to the land-holder concerned by registered post with acknowledgement due.”

9. *Amendment of section 18 of the Bihar Act. XII of 1962.*—For sub-section (3) of section 18 of the said Act, the following sub-sections shall be substituted, namely :—

“(3) On receipt of the return prescribed in the sub-section (1) or collection of information under sub-section (2), as the case may be, the Collector shall after giving the land-holder a reasonable opportunity of being heard and adducing evidence and after enquiries as he considers necessary select the land which may be retained by the land-holder within his ceiling area and also determine the land which is in excess of the ceiling area and which he is not entitled to retain under this Act ;

(4) The Collector shall then acquire the surplus land by publishing in the Official Gazette a notification to the effect that such land is required for a public purpose and such publication shall be conclusive evidence of the fact stated therein for the purpose of this Act."

10. *Amendment of Section 27 of the Bihar Act XII of 1962.*—In section 27 of the said Act,—

(i) sub-section (3) shall be omitted; and

(ii) sub-section (4) shall be renumbered as sub-section (3).

11. *Amendment of Section 30 of the Bihar Act XII of 1962.*—In section 30 of the said Act,

(i) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) (i) (a) An appeal shall lie from any final order passed by any officer vested with the power of the Collector under this Act other than the Collector of the district to the Collector of the district or any other officer specially authorised in this behalf by the State Government within thirty days of such an order.

(b) An appeal shall lie from any final order passed by the Collector of the district to the Commissioner of the Division within thirty days of such order.

Provided that no appeal shall lie against orders passed under Section 5 and Section 29 before the final publication of the draft statement under sub-section (1) of section 11 ;

Provided further that appeal against orders passed under Section 5 and Section 29 shall be filed within thirty days from the date of final publication under sub-section (1) of Section 11."

(ii) Sub-section (2) shall be omitted and sub-section (3) shall be renumbered as sub-section (2).

12. *Amendment of section 32 of the Bihar Act XII of 1962.*—In sub-section (1) of Section 32 of the said Act, after the word "Collector" the words "or a Commissioner" and after the words "from any appellate order" the words "within thirty days of such order" shall be inserted.

13. *Amendment of Section 32-A of the Bihar Act XII of 1962.*—For section 32-A of the said Act, the following section shall be substituted, namely:—

"32A. *Abatement of appeal, revision, review or reference.*—An appeal, revision, review or reference other than those arising out of orders passed under Section 8 or sub-section (3) of Section 16 pending before any authority on the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus of Land) (Amendment) Act, 1982 shall abate :

Provided that on such abatement, the Collector shall proceed with the case afresh in accordance with the provisions of Section 10 :

Provided further that such appeal, revision, review or reference arising out of orders passed under section 8 or sub-section (3) of Section 16 as had abated under Section 13 of the Bihar Land Reforms

(Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982 shall stand automatically restored before the proper authority on the commencement of this Act".

14. *Insertion of new section after Section 32 A of the Bihar Act XII of 1962.*—After section 32A of the said Act, the following new section shall be inserted, namely:—

"32B. *Initiation of fresh proceeding.*—All those proceedings other than appeal, revision, review or reference referred to in section 32A pending on the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982, and in which final publication under sub-section (1) of Section 11 of the Act as it stood before the amendment by the aforesaid Act, had not been made shall be disposed of afresh in accordance with the provisions of Section 10 of the Act".

15. *Amendment of Section 36 of the Bihar Act XII of 1962.*—In section 36 of the said Act,—

"(i) after the words "obstruction to the taking of possession of any land" the words "or evicts or threatens to evict any person who has been allotted any land" shall be inserted; and

(ii) the second proviso shall be omitted.

16. *Amendment of Section 38 of the Bihar Act XII of 1962.*—In sub-section (1) of section 38 of the said Act, for clause (i) the following clause shall be substituted, namely:—

"(i) If any person is found by the Collector, at any time after the expiry of the period prescribed under Section 15 or 18 to be in possession of any area of land in excess of the area he may hold under Section 5, the Collector shall give such person or, other persons, if any, who may prefer any claim in respect of the land in question, a reasonable opportunity as may be prescribed to show cause and adduce evidence, if any, why the said excess area should not be acquired by the State Government."

17. *Insertion of new Section 45-C in Bihar Act XII of 1962.*—After Section 45-B of the said Act, the following section shall be inserted and shall be deemed always to have been inserted:—

"45-C *Substitution of legal representative in case of death of land-holder.*—If the land-holder dies during the pendency of a proceeding appeal or revision under this Act, the Collector or the appropriate authority, as the case may be, shall on an application made in this behalf or on his own motion substitute the name of the legal representative in the manner prescribed in the Rules, and the proceeding, appeal or revision shall thereon continue to proceed against the substituted land-holder or holders."

18. *Insertion of new Section 47 in Bihar Act XII of 1962.*—After section 46 of the said Act, the following new section shall be inserted and shall be deemed always to have been inserted, namely:—

"47. *Correction of clerical or arithmetical errors.*—Clerical or arithmetical mistakes in orders passed under this Act or any such error apparent on the face of the record existing in any document prepared under any provision of this Act may at any time be corrected by the Collector of the appropriate authority under the Act either of its own motion or on the application of any person interested."

19. *Amendment of Part IV of the Schedule to Bihar Act XII of 1962.*—In part IV of the Schedule of the said Act,—

(i) for the existing heading, the following heading shall be substituted, namely,

“Rates of compensation payable by the raiyats and under-raiyats”.

(ii) Item (iii) shall be omitted.

20. *Repeal and Saving.*—(1) The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land (Amendment) Ordinance, 1982 (Bihar Ordinance No. 22 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action taken.

Published in the Bihar Gazette, Extraordinary, dated
August 18, 1983

**THE BIHAR BRICKS SUPPLIES (CONTROL) THIRD
ORDINANCE 1983,
BIHAR ORDINANCE NO. 21, 1983**

An Ordinance to control the supply of Bricks in Bihar.

Preamble.—Whereas, the Legislature of State of Bihar is not in session :

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for controlling the supply of bricks in Bihar and for matters incidental thereto ;

And, whereas, the instructions of the President have been obtained under the proviso to clause (1) of Article 213 of the Constitution of India ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(i) This Ordinance may be called the Bihar Bricks Supplies (Control) Third Ordinance, 1983

(ii) It extends to the whole of the State of Bihar.

(iii) It shall come into force immediately.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Brick” means common burnt clay building brick in a kiln and having geometrical shape, metric size and specification as per I 1977—1970 or any revision thereof;
- (b) “Kiln” means structure used for firing bricks;
- (c) “Dealer” means any person who deals in bricks or holds stocks of bricks for sale and includes his representative or agent;

(d) "Manufacturer" means a person engaged in the manufacture of bricks in kiln.

3. *Power of State Government to control, supply, distribution and consumption of bricks*—The State Government, in so far as it appears to it to be necessary or expedient for controlling the supply of bricks or for securing their equitable distribution and availability at reasonable prices, may by order published in the official Gazette, provide for—

- (a) regulating by licences, permits or otherwise the manufacture, distribution, transport, equitable disposal and consumption of bricks;
- (b) controlling the prices at which bricks may be bought or sold;
- (c) collecting any information or statistics with a view to regulating the aforesaid matters;
- (d) requiring manufacturers, dealers or kiln owners to maintain and produce for inspection such accounts and records regarding bricks and furnishing such information relating thereto, as may be specified in the order;
- (e) controlling the size and type of bricks to be manufactured to ensure economy in consumption of essential materials;
- (f) entering and searching of premises and vehicles, seizure by a person authorised to make such search of bricks in respect of which such person has reason to believe that contravention of any order made under Ordinance has been, is being or is about to be committed, the documents and the charging of fees therefor; and
- (g) any incidental and supplementary matters connected with the provisions in clauses (a), (b), (c), (d), (e) and (f).

4. *Delegation of powers*—The State Government may, by notification published in the official Gazette, direct, that the power to make orders under section 3 shall, in relation to such matter and subject to such conditions, if any, as may be specified in the order, be exercisable by such office or authority as may be specified in the order.

5. *Provisions of section 3 to prevail over other laws*—The provisions of section 3 shall have effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

6. *Penalty for contravention of the provisions of section*—If any person contravenes or abet the contravention of any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs 2,000 or with both and the movable property or any part of such property in respect of which the order is contravened may also be forfeited to the State.

Explanation—The expression "Person" in this section, includes company or body corporate and every Director, Secretary or other officer or agent thereof.

7. *False statement*—(1) When any person required by any order made under section 3 to make any statement or furnish any information, which is false in any material particular and which he knows or has reason to believe to be false, or does not believe to be true; or

(2) When any such person makes any such statement as aforesaid in any book, account, record, declaration or return or other document which he is required by such order to maintain or furnish he shall be punishable with imprisonment for a term which may extend to three years or with fine up to Rs. 2,000 or with both.

8. *Offence to be cognizable*—Offences under this Ordinance shall be cognizable.

9. *Power to try offences summarily*—Any Magistrate duly empowered in this behalf shall try the offences summarily in accordance with the procedure of Summary Trials laid down in Chapter XXI of the Code of Criminal Procedure, 1973.

10. *Protection of action taken under the Ordinance*.—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority for anything done in good faith or intended to be so done in pursuance of an order made under this Ordinance.

11. *Power to make rules*.—The State Government may by notification in the official Gazette make rules consistent with the provisions of this Ordinance for carrying out the purposes of Ordinance.

12. *Repeal and saving*.—(1) The Bihar Bricks Supplies (Control) Ordinance, 1983 (Bihar Ordinance no. 13, of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Ordinance as if this Ordinance were in force on the day on which such thing or action was done or taken.

The 17 August 1983

A. R. KIDWAI
Governor of Bihar.

END

PART IX

WEST BENGAL ACTS & ORDINANCES

1983

THE CITY CIVIL COURT (AMENDMENT) ACT, 1980

The following Act of the West Bengal Legislature was published in the Calcutta Gazette, Extraordinary, Part III, No. 141, dated April 2, 1982.

WEST BENGAL ACT LX OF 1980

An Act to amend the City Civil Court Act, 1953.

Whereas it is expedient to amend the City Civil Court Act, 1953 (West Bengal Act XXI of 1953), for the purposes in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the City Civil Court (Amendment) Act, 1980

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 5 of West Bengal Act XXI of 1953.*—In section 5 of the City Civil Court Act, 1953 (hereinafter referred to as the principal Act),—

(a) in sub-section (2), for the words “rupees fifty thousand”, the words “rupees one lakh” shall be substituted ;

(b) for sub-section (3), for following sub-section shall be substituted, —

“(3) The City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction to try any proceeding under—

(i) the Guardians and Wards Act, 1890 (8 of 1890)

(ii) the Presidency-Towns Insolvency Act, 1909 (3 of 1909).

(iii) the Indian Lunacy Act, 1912 (4 of 1912).

(iv) the Indian Succession Act, 1925 (39 of 1925)”.

3. *Amendment of the First Schedule*—In the First Schedule to the principal Act, items 8, 12, 13 and 14 shall be omitted.

4. *Substitution of new Schedule for the Second Schedule.*—For the Second Schedule to the principal Act, the following Schedule shall be substituted :—

‘THE SECOND SCHEDULE

(See Section 22)

Year	Number	Short Title	Amendment
	1	3	4
Acts of the Central Legislature			
1890	8	The Guardians and Wards Act, 1890.	In clause (4) of section 4, for the words “a High Court in the exercise of its ordinary original civil jurisdiction”, the words “as

Year	Number	Short title	Amendments
1	2	3	4
			respects the city of Calcutta as defined in the City Civil Court Act, 1953, the City Civil Court established under that Act" shall be substituted.
1909	3	The Presidency-towns Insolvency Act, 1909.	(1) For section 3, the following section shall be substituted :— <i>"3. Court having jurisdiction in insolvency.—</i> <i>The Court having jurisdiction in insolvency under this Act shall be the City Civil Court established under the City Civil Court Act, 1953 (West Ben. Act XXI of 1953)."</i> (2) For section 4, the following section shall be substituted :— <i>4. "Jurisdiction to be exercised by Judges.—</i> <i>All matters in respect of which jurisdiction has been given by this Act shall be ordinarily transacted and disposed of by one or more Judges of the Court and the Chief Judge shall, from time to time, assign such Judge or Judges for that purpose."</i> (3) Section 5 shall be omitted. (4) Section 6 shall be omitted. (5) In section 8, for sub-section (2), the following sub-section shall be substituted :— <i>"(2) An appeal from an order made by a Judge in the exercise of the jurisdiction conferred by the Act shall lie to the High Court."</i> (6) In section 18, in sub-section (1), the words "subject to the superintendence of the Court" shall be omitted. (7) Section 18A shall be omitted. (8) In section 77,— (i) for sub-section (1), the following sub-section shall be substituted :— <i>"(1) The State Government shall, after consultation with the High Court, appoint substantively a person to the office of official assignee of insolvents' estates for the City Civil Court established under the City Civil Court Act, 1953 (West Bengal Act XXI of 1953), and may after the like consultation appoint substantively or temporarily a person or persons to the office of the deputy official assignee for the said Court";</i> (ii) for sub-section (3), the following sub-section shall be substituted :—

Year	Number	Short title	Amendments
1	2	3	4
			“(3) Notwithstanding anything contained in sub-section (1), the person substantively or temporarily holding the office of official assignee under this Act for the High Court at Calcutta immediately before the commencement of the City Civil Court (Amendment) Act, 1980, shall, without further appointment for that purpose, become the official assignee substantively or temporarily, as the case may be, as if appointed by the State Government under sub-section (1).” (9) In section 81, for the words “High Court”, the words “City Civil Court” shall be substituted. (10) In section 81A, the words “by rules made under the Government of India Act” shall be omitted. (11) In section 101, the words “or from an order made by an officer of the Court empowered under section 6,” shall be omitted. (12) In sub-section (1) of section 112, for the words “The Courts having jurisdiction under this Act”, the words “The High Court” shall be substituted. (1) In clause (1) of section 25, for the words “High Court”, the words “City Civil Court” shall be substituted. (2) In section 26, in sub-section (1), for the words “High Court”, the words “City Civil Court” shall be substituted. (3) In Chapter IV under Part III, for section 37, the following section shall be substituted :— “37. <i>Jurisdiction in lunacy in Presidency-town.</i>—Except as otherwise provided herein after in this Chapter, the Court having jurisdiction under this Chapter shall be the City Civil Court established under the City Civil Court Act, 1953 (West Bengal Act XXI of 1953).” (4) In section 39, after the words “Advocate-General” the words “or the Government pleader” shall be inserted. (5) Sections 43 and 44 shall be omitted. (6) In section 45, the words “or the finding of the District Court to which the inquisition may have been referred under the provisions
1912	4	Indian Lunacy Act, 1912	

Year	Number	Short title	Amendments
1	2	3	4
			of section 43 with such amendments as may be made under the provisions of section 44, as the case may be," shall be omitted.
			(7) In the proviso to section 55, for the words "High Court" in the two places where they occur, the words "City Civil Court" shall be substituted.
			(8) After section 60, the following section shall be inserted :— "60A. <i>Appeals</i> .—An appeals shall lie to the High Court from any order made by the City Civil Court, under this Chapter."
			(9) In section 61, for the words "The Court" the words "The High Court" shall be substituted.
			(10) In the proviso to sub-section (1) of section 71 for the words "High Court", the words "City Civil Court" shall be substituted
			(11) In Chapter VII under Part IV, in section 88, for the words "High Court" the words "City Civil Court" shall be substituted.
1925	39	Indian Succession Act, 1925.	(1) To clause (bb) of section 2, the following proviso shall be added :— <i>"Provided that as respect the area comprised within the local limits for the time being of the ordinary original civil jurisdiction of the High Court at Calcutta references to a District Judge in this Act shall be construed as references to the City Civil Court established under the City Civil Court Act, 1953 (West Bengal Act XXI of 1953)"</i> .
			(2) In section 273, clause (a) of the proviso shall be omitted.
			(3) In section 274, for sub-section (1), the following sub-section shall be substituted :— "(1) Where probate or letters of administration has or have been granted by a District Judge with the effect referred to in the proviso to section 273, the District Judge shall send a certificate thereof to the High Court to which such District Judge is subordinate and to each of the other High Courts".
			(4) Section 300 shall be omitted.

(5) For Schedule IV, the following Schedule shall be substituted :—

"SCHEDULE IV

[See section 274 (2).]

FORM OF CERTIFICATE

I, A. B. hereby certify that on the day of granted probate of the will (or letters of administration of the estate) of C. D. late of deceased, to E. F. of... and G. H. of, and that such probate (or letters), has (or have) effect over all the property of the deceased throughout India"

Year	Number	Short title	Amendments
1	2	3	4
Acts of the West Bengal Legislature			
1956...	XII	The West Bengal Premises Tenancy Act, 1956,	In the First Schedule, in clause (1), for sub-clauses (i) and (ii) the following sub-clauses shall be substituted :— “(i) where the value of the suit does not exceed one lakh rupees—to the City Civil Court as defined in the City Civil Court Act 1953 (West Bengal Act XXI of 1953); (ii) where the value of the suit exceeds rupees one lakh—to the High Court at Calcutta”;

5 *Savings of suits, appeals and proceedings pending in High Court*—Nothing in this Act shall affect any suit, appeal or proceeding pending in the High Court on the date on which this Act comes into force and every such suit, appeal or proceeding shall be continued as if this Act had not been passed.

THE WEST BENGAL CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1981

The following Act of the West Bengal Legislature was published in the Calcutta Gazette, Extraordinary, Part III, No. 547, dated August 7, 1981.

WEST BENGAL ACT XXII OF 1981

An act to amend the West-Bengal Co-operative Societies Act, 1973.

Whereas it is expedient to amend the West Bengal Co-operative Societies Act, 1973 (West Bengal Act XXXVIII of 1973), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-second Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title*.—This Act may be called the West Bengal Co-operative Societies (Amendment) Act, 1981.

2. *Insertion of new section 81A in West Bengal Act XXXVIII of 1973*.—After section 81 of the West Bengal Co-operative Societies Act, 1973, the following section shall be inserted :—

"81A. Constitution of a cadre of managers of primary agricultural co-operative credit societies and a Cadre-Authority.—(1) Notwithstanding anything contained in section 81, the State Government may, by Notification in the Official Gazette, constitute a cadre consisting of managers of all primary agricultural co-operative credit societies, including those ceded to commercial banks, operating within the territorial jurisdiction of each central co-operative bank or unit of the West Bengal State Co-operative Bank (hereinafter referred to as the cadre).

(2) With effect from the date of such notification, all managers who possess such qualifications and experience as may be fixed by the State Government shall stand included in the cadre.

(3) For management of the cadre, the State Government may, by Notification in the Official Gazette, constitute a Cadre-Authority at the level of the central co-operative bank or unit of the West Bengal State Co-operative Bank.

(4)(a) The Cadre-Authority shall be composed of nine members including the Chairman of the concerned bank who shall be the ex officio Chairman of the Cadre-Authority. Out of the remaining eight members, one-fourth shall be nominated by the Registrar and three-fourths shall be elected by the primary agricultural co-operative credit societies, including those ceded to commercial banks, operating within the territorial jurisdiction of the respective central co-operative bank or unit of the West Bengal State Co-operative Bank :

Provided that in the case of dissolution of the managing committee of the concerned bank, the administrator appointed under sub-section(1) of section 26 or, if there are more than one such administrator, such of the administrators as the Registrar or the State Government, as the case may be, may select) or the special officer appointed under clause (c) of section 26A, as the case may be, shall be the ex-officio Chairman of the Cadre-Authority.

Provided further, that if by reason of any order of a Court or for any other reason the Chairman of the concerned bank is temporarily unable to exercise any of the powers conferred by or under this Act or the rules made thereunder, the members of the Cadre-Authority shall elect one (other than the Chairman of the concerned bank) from amongst themselves to act as the Chairman of the Cadre-Authority during the period of such temporary inability.

(b) The Executive Officer of the concerned bank or, in his absence, the Manager of the concerned bank shall be the Secretary of the Cadre-Authority.

(5) The Cadre-Authority shall hold office for five years at the expiration of which it shall be reconstituted in such manner as may be notified by the State Government.

(6) Notwithstanding anything contained in sub sections (4) and (5), the members of the first Cadre-Authority shall be nominated by the Registrar for a term not exceeding three years within which period the Cadre-Authority shall be reconstituted in terms of sub section (4).

(7) The following shall be the powers and functions of the Cadre-Authority :—

(i) it shall be the appointing and disciplinary authority of all members of the cadre from one co-operative society to another within its jurisdiction ;

(ii) it shall have the power and responsibility to recruit the members of the cadre in such manner as may be notified by the State Government from time to time and to arrange for their training ;

(iii) it shall deal with all matters appertaining to the service of its members and maintain proper records therefor. It may determine the conditions of service of its members with the prior approval of the Registrar ;

(iv) it shall have the power and responsibility to control and supervise the functions of the members of the cadre ;

(v) it shall have the power to determine the procedure for the conduct of its business ;

(vi) it shall have the power to delegate such of its powers and functions to one or more of its members as it may consider necessary.

(8) The Registrar shall have the power to determine the scales of pay and other allowances for the members of the cadre under different Cadre-Authorities and to revise it from time to time and the scales of pay and other allowances so, as the case may be, revised, shall be binding upon the Cadre-Authorities.

(9)(i) There shall be a fund at the disposal of the Cadre-Authority and, for this purpose, it shall open a bank account.

(ii) The bank account shall be operated jointly by the Chairman and the Secretary of the Cadre-Authority.

(iii) The fund shall be created out of, and augmented from time to time by, the contributions from the co-operative institutions, State and Central Governments and such other agencies as may be notified by the State Government from time to time and also receipts from other sources.

(iv) The Cadre-Authority shall utilise the fund for any purpose consistent with its responsibility including the following :—

(a) payment of salary, emoluments and other allowances to the members of the cadre,

(b) meeting its establishments cost including payment of pay and allowances to its own staff.

(10) The office of the Cadre-Authority shall be situated in the premises of the office of the respective central co-operative bank or unit of the West Bengal State Co-operative Bank or as nearby as possible.

(11) Notwithstanding anything contained in this Act and the rules made thereunder, the State Government shall have the power to issue directives from time to time to the Cadre-Authority to ensure proper functioning of the Cadre-Authority in the interest of co-operative movement in the State and directives shall be binding upon the Cadre-Authority.

(12) Except as otherwise provided in this section, the members of the cadre shall be subject to the provisions of section 23".

THE WEST BENGAL APPROPRIATION (NO. 2) ACT, 1982

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette Extraordinary Part III, No. 453, dated September 28, 1982.

WEST BENGAL ACT IV OF 1982

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1983.

Whereas it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1983 ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Appropriation (No. 2) Act, 1982.

(Text Omitted)

THE MAYO HOSPITAL ACQUISITION ORDINANCE, 1982

The following Ordinance was published in the Calcutta Gazette Extraordinary, Part III-A, No. 387 dated August 27, 1982.

WEST BENGAL ORDINANCE NO. XX OF 1982

Where it is expedient to provide for the acquisition of the Hospital known as the Mayo Hospital at 67/1, Strand Road, Calcutta-6 for its better management and maintenance in the public interest and for matters connected therewith or incidental thereto ;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained ;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Mayo Hospital Acquisition Ordinance 1982.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Ordinance comes into force ;

(b) “the Hospital” means the Mayo Hospital at 67/1, Strand Road, Calcutta-6, together with the indoor beds, and provisions for outdoor service and its branches and dependent dispensaries, namely, the Chandney Dispensary at 4 and 5, Temple Street, Calcutta-13 and the Chitpur Dispensary and Haridas Saha Institute of Otolaryngology at 656, Rabindra Sarani, Calcutta-3, and includes all lands and buildings, equipments, stores, drugs and other articles used in connection therewith as accessories to or adjuncts of the said Mayo Hospital,

Calcutta, run under the auspices of the "Mayo Hospital", a society registered under the Societies Registration Act, 1860 (21 of 1860);

(c) "notification" means a notification published in the Official Gazette;

(d) "prescribed" means prescribed by rules made under this Ordinance

3. *Hospital to vest in the State Government.*—On and from the appointed day the Hospital shall, by virtue of this Ordinance, be transferred to, and vest in, the State Government.

4. *General effect of vesting.*—(1) The Hospital shall be deemed to include all rights, powers, authorities and privileges related to, and properties movable or immovable, cash balances, reserve fund and other assets of, the Hospital including lands, buildings works, machinery, furniture, plants, laboratories, libraries, dispensaries, apparatus, tools, instruments, implements which may be in the ownership, possession, custody or control of the Hospital immediately before the appointed day and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) Every deed of gift, endowment, bequest or trust or other documents relating to any property and assets referred to in clause (b) of section 2 or sub-section (1) of this section shall be construed as if it were made or executed in favour of the State Government.

(3) Properties which vest in the State Government under this Ordinance shall, by virtue of the vesting, be freed and discharged from any trusts, obligations, mortgages, charges and other encumbrances affecting them, and any attachment, injunction or any decree or order of any court restricting the use of any such property in any manner shall be deemed to have been withdrawn.

(4) Any contract, whether express or implied, or any arrangement, whether under any statute or otherwise, or any order made by any court, in so far as it creates any encumbrance or any liability in relation to the Hospital or any part of it shall be deemed to have terminated on the appointed day.

(5) Every person, in whose possession or custody or control the Hospital or any part of it may be immediately before the appointed day shall, on the appointed day, deliver possession of the Hospital or part thereof to the State Government or to such person or authority as may be specified by the State Government in this behalf.

(6) Every person, who has in his possession or control any book, document, or other papers relating to the Hospital or any part of it, shall be liable to account for the said book, document or other papers to the State Government or to such person as the State Government may appoint in this behalf.

(7) Subject to the provisions of sub-section (4), if on the appointed day any suit, appeal or other proceeding of whatever nature by or against the Hospital is pending, the same shall be continued, proceeded with or enforced by or against the Hospital.

(8) The liabilities of the Hospital shall, on and from the appointed day, be met by the State Government in such manner as may be prescribed.

(9) The State Government may take, or cause to be taken, all necessary steps for securing the possession of the Hospital which has vested in it under this Ordinance.

5. *Payment of compensation*—(1) For the transfer to, and vesting in, the State Government of the Hospital under section 3, the compensation payable by the State Government for the lands and buildings shall be such as may be determined by the Competent Authority referred to in sub-section (3) of this section applying mutatis mutandis the provisions of the Land Acquisition Act, 1894 (1 of 1894), subject to the deduction of all liabilities relating to the lands and buildings and subject further to the condition that in respect of the lands and buildings which the Mayo Hospital or its promoters received as gifts or donations or for permissive use from the original owners thereof, the compensation shall be determined and payable in accordance with the terms, conditions and stipulations made by the original owners thereof and subject to the deduction of all grants and contributions made by the State Government to the Mayo Hospital prior to the appointed day.

(2) The compensation payable by the State Government for all other assets excepting the lands and building as provided in sub-section (1) shall be the market value thereof determined by the Competent Authority referred to in sub-section (3) of this section after deduction of all grants and donations made by the State Government to the said Mayo Hospital prior to the appointed day.

(3) The Land Acquisition Collector, Calcutta, shall be Competent Authority for the purpose of this Ordinance.

(4) Any person aggrieved by the award of the Competent Authority may appeal to the Appellate Authority within thirty days from the date of the award and Chief Judge, City Civil Court, Calcutta, shall be the Appellate Authority for this purpose.

(5) The State Government shall, as soon as possible after the date of the award made by the Competent Authority, as the case may be, the date of the order of the Appellate Authority in the case of an appeal, pay to the persons found entitled the amount of compensation determined under this section.

(6) The amount of compensation determined under this section shall carry interest at the rate of six per cent per annum with effect from the appointed day till the date of payment of compensation.

6. *Management of the Hospital*.—The Hospital which has vested in the State Government under this Ordinance shall be managed on behalf of the State Government by such person or authority as may be appointed by the State Government in this behalf in accordance with such rules as may be made by the State Government.

7. *Protection from acts done in good faith*.—No suit, prosecution or other legal proceeding shall lie against the State Government or an officer or other employee serving in connection with the affairs of the Hospital for anything which is in good faith done or intended to be done under this Ordinance.

8. *Employment of certain employees to continue*.—(1) Notwithstanding anything contained in sub-section (4) of section 4, every person (not being a part-time employee) employed in connection with the

affairs of the Hospital, who has been in such employment immediately before the appointed day shall become on and from the appointed day an employee of the State Government and shall hold office or service on the same terms and conditions and with the same rights to pay, leave, pension, gratuity and all other matters as would have been admissible to him had not this Ordinance been promulgated, and shall continue to do so until or unless his remuneration and all other terms and conditions of employment are duly determined by the State Government :

Provided that any employee not being satisfied with the remuneration or terms and conditions of employment determined by the State Government may terminate his employment by giving three months' notice to the State Government to that effect.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law in force for the time being, the alteration in the terms and conditions of employment of an employee or the transfer of his service from the Hospital to any other post shall not entitle him to any compensation under this Ordinance or any other law in force for the time being, and no claim for such compensation shall be entertained by any court, tribunal or other authority.

(3) The remuneration and all other terms and conditions of employment of every person referred to in sub-section (1) shall be finally determined by the State Government within three months from the appointed day.

9. *Ordinance to override other laws.*—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law or in any instrument or in any decree or order of any court or other authority.

10. *Penalty.*—(1) Any person who—

(a) having in his possession or custody or control any property forming part of the Hospital, wrongfully withholds such property from the State Government ; or

(b) wrongfully obtains possession of any property forming part of the Hospital which has vested in the State Government ; or

(c) wilfully withholds or fails to furnish to the State Government any document relating to the Hospital which may be in his possession, custody or control,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both :

Provided that the court trying any offence under this section may, at the time of convicting the accused person, order him to deliver up or refund, within a time to be fixed by the court, any property wrongfully withheld or obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of an offence punishable under this section except with previous sanction of the State Government or of an officer authorised by the State Government in this behalf.

11. *Delegation of powers*—The State Government may, by notification, direct that all or any of the powers exercisable by it under

this Ordinance (except the power to make rules) may also be exercised by such order person or authority as may be specified in the notification.

12. *Power to make rules.*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In-particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be, or are required to be, prescribed or made by rules.

The 27th August, 1982.

B. D. PANDE,
Governor of West Bengal.

THE NIRAMOY GROUP OF INSTITUTIONS ACQUISITION ORDINANCE, 1982.

The following Ordinance was published in the Calcutta Gazette, Extraordinary, Part III-A No. 390, dated August 27, 1982.

WEST BENGAL ORDINANCE NO. XXI OF 1982.

Whereas it is expedient to provide for the acquisition of the Niramoy Group of Institutions in the public interest and for proper management thereof;

And Whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And Whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance :—

1. *Short title*—This Ordinance may be called the Niramoy Group of Institutions Acquisition Ordinance, 1982.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires —

(a) “appointed day” means the date on which this Ordinance comes into force;

(b) “the Institution” means the Niramoy Group of Institutions, namely, the Niramoy T. B. Sanatorium, Giridanga in the district of Birbhum, the Niramoy Polytechnic and Research Foundation, Gariahat Road, Calcutta-19, the Niramoy Chest Clinic, 70 Ganesh Chandra Avenue, Calcutta-13 and the Niramoy Chest Clinic 2, Asutosh Mukherjee Road, Calcutta-20, together with the indoor-beds and provisions for outdoor services and dispensaries attached thereto and used in connection therewith and includes all lands and buildings, equipments, stores, drugs and other articles used in connection therewith as accessories to or adjuncts of the said Niramoy Group of Institutions run under the auspices of the General Council of Niramoy ;

(c) “notification” means a notification published in the Official Gazette ;

(d) “prescribed” means prescribed by rules made under this Ordinance.

3. *Institution to vest in the State Government.*—On and from the appointed day the Institution shall, by virtue of this Ordinance, be transferred to, and vest in, the State Government.

4. *General effect of vesting.*—(1) The Institution shall be deemed to include all rights, powers, authorities and privilege related to, and properties movable or immovable, cash balances, reserve fund and other assets of, the Institution including lands, buildings, works, machinery, furniture, plants, laboratories, libraries dispensaries, apparatus, tools, instruments, implements which may be in the ownership, possession, custody or control of the Institution immediately before the appointed day and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) Every deed of gift, endowment, bequest or trust or other documents relating to any property and assets referred to in clause (b) of section 2 or sub-section (1) of this section shall be construed as if it were made or executed in favour of the State Government.

(3) Properties which vest in the State Government under this Ordinance shall, by virtue of the vesting be freed and discharged from any trust, obligations, mortgages, charges and other encumbrances affecting them and attachment, injunction or any decree or order of any court restricting the use of any such property in any manner shall be deemed to have been withdrawn.

(4) Any contract, whether express or implied, or any arrangement whether under any statute or otherwise, or any order made by any court, in so far as it creates any encumbrance or any liability in relation to the Institution or any part of it shall be deemed to have terminated on the appointed day.

(5) Every person in whose possession or custody or control the Institution or any part of it may be immediately before the appointed day shall, on the appointed day, deliver possession of the Institution or part thereof to the State Government or to such person or authority as may be specified by the State Government in this behalf.

(6) Every person, who has in his possession or control any book, document or other papers relating to the Institution or any part of it, shall be liable to account for the said book, document or other papers to the State Government or to such person as the State Government may appoint in this behalf.

(7) Subject to the provisions of sub-section (5) if on the appointed day any suit appeal or other proceeding of what ever nature by or against the Institution is pending, the same shall be continued, proceeded with or enforced by or against the Institution.

(8) The liabilities of the Institution shall, on and from the appointed day, be met by the State Government in such manner as may be prescribed.

(9) The State Government may take, or cause to be taken, all necessary steps for securing the possession of the Institution which has vested in it under this Ordinance.

5. *Payment of compensation.*—(1) For the transfer to, and vesting in, the State Government of the Institution under section 3, the compensation payable by the State Government for the lands and buildings shall be such as may be determined by the Competent Authority referred

to in sub-section (3) of this section applying mutatis mutandis the provisions of the Land Acquisition Act, 1894 (I of 1894.) subject to the deduction of all liabilities relating to the lands and buildings and subject further to the condition that in respect of the lands and buildings which the General Council of Niramoy or its promoters received as gifts or donations or for permissive use from the original owners thereof, the compensation shall be determined and payable in accordance with the terms, conditions and stipulations made by the original owners thereof and subject to the deduction of all grants and contributions made by the State Government to the said General Council of Niramoy prior to the appointed day.

(2) The compensation payable by the State Government for all other assets excepting the lands and buildings as provided in sub-section (1) shall be the market value thereof determined by the Competent Authority referred to in sub-section (3) of this section after deduction of all grants and donations made by the State Government to the original owners thereof prior to the appointed day.

(3) The Land Acquisition Collector, 24-Parganas, shall be the Competent Authority for the purpose of this Ordinance.

(4) Any person aggrieved by the award of the Competent Authority may appeal to the Appellate Authority within thirty days from the date of the award and the Competent Authority may appeal to the Appellate Authority within thirty days from the date of the award and the District Judge, 24-Parganas, shall be the Appellate Authority for this purpose.

(5) The State Government shall, as soon as possible after the date of the award made by the Competent Authority or as the case may be, the date of the order of the Appellate Authority in the case of an appeal, pay to the persons found entitled the amount of compensation determined under this section.

(6) The amount of compensation determined under this section shall carry interest at the rate of six per cent. per annum with effect from the appointed day till the date of payment of compensation.

6. *Management of the Institution.*—The Institution which has vested in the State Government under this Ordinance shall be managed on behalf of the State Government by the State Government in this behalf in accordance with such rules as may be made by the State Government.

7. *Protection from acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or an officer or other employee serving in connection with the affairs of the Institution for anything which is in good faith done or intended to be done under this Ordinance.

8. *Employment of certain employees to continue.*—(1) Notwithstanding anything contained in sub-section (4) of section 4, every person (not being a part-time or over-aged employee) employed in connection with the affairs of the Institute, who has been in such employment immediately before the appointed day shall become on and from the appointed day an employee of the State Government and shall hold office or service with such remuneration, and on such terms and conditions, as may be determined by the State Government :

Provided that any employee not being satisfied with the remuneration or terms and conditions of employment determined by the State Government may terminate his employment by giving three months' notice to State Government to that effect:

Provided further that an employee shall be entitled to exercise option to retain the same rights to contributory provident fund as would have been admissible to him had not this Ordinance been promulgated.

(2) Notwithstanding anything contained the Industrial Disputes Act, 1947 (14 of 1947), or any other law in force for the time being, the alteration in the terms and conditions of employment of an employee or the transfer of his service from the Institution to any other post shall not entitle him to any compensation under this Ordinance or any other law in force for the time being and no claim for such compensation shall be entertained by the court, tribunal or other authority.

(3) The remuneration and the terms and conditions of employment referred to in sub-section (1) shall be finally determined by the State Government within three months from the appointed day.

9. *Ordinance to override other laws.*—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law or in any instrument or in any decree or order of any court or other authority.

10. *Penalty.*—(1) Any person who—

(a) having in his possession or custody or control any property forming part of the Institution, wrongfully withholds such property from the State Government, or

(b) wrongfully obtains possession of any property forming part of the Institution which has vested in the State Government, or

(c) wilfully withholds or fails to furnish to the State Government any document relating to the Institution which may be in his possession, custody or control,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both :

Provided that the court trying any offence under this section may, at the time of convicting the accused person, order him to deliver up or refund, within a time to be fixed by the court, any property wrongfully withheld or obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the State Government or of an officer authorised by the State Government in this behalf.

11. *Delegation of powers.*—The State Government may, by notification, direct that all or any of the powers exercisable by it under this Ordinance (except the power to make rules) may also be exercised by such other person or authority as may specified in the notification.

12. *Power to make rules.*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the

foregoing power, such rules may provide for all or any of the matters which may be, or are required to be, prescribed or made by rules.

B. D. PANDE,
Governor of West Bengal.

The 27th August, 1982.

THE RAMRIKIDAS HARALALKA HOSPITAL ACQUISITION ORDINANCE, 1982

The following Ordinance was published in the Calcutta Gazette, Extraordinary Part III-A, No 388, dated August 27, 1982.

WEST BENGAL ORDINANCE NO XXII OF 1982

Whereas it is expedient to provide for the acquisition of the Hospital known as the Ramrikdas Haralalka Hospital, Calcutta for its better management and maintenance in the public interest and for matters connected therewith or incidental thereto ;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance :—

1. *Short title*—This Ordinance, may be called the **Ramrikdas Haralalka Hospital Acquisition Ordinance, 1982**.

2. *Definitions*—In this Ordinance, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Ordinance comes into force ;

(b) “the Hospital” means the Ramrikdas Haralalka Hospital, Calcutta together with the indoor-beds and provisions for outdoor services and dispensaries attached thereto and used in connection therewith and includes all lands and buildings, equipments, stores, drugs and other articles used in connection therewith as accessories to or adjuncts of the said Ramrikdas Haralalka Hospital, Calcutta, run under the auspices of the “Presidency Medical Education Society”, a society registered under the Societies Registration Act, 1860 (21 of 1860) ;

(c) “notification” means a notification published in the official Gazette ;

(d) “prescribed” means prescribed by rules made under this Ordinance.

3. *Hospital to vest in the State Government*.—On and from the appointed day the Hospital shall, by virtue of this Ordinance, be transferred to, and vest in, the State Government.

4. *General effect of vesting*.—(1) The Hospital shall be deemed to include all rights, powers, authorities and privileges related to, and properties movable or immovable, cash balances, reserve fund and other assets of, the Hospital including lands, buildings, works, machinery, furniture, plants, laboratories, libraries, dispensaries, apparatus, tools, instruments, implements which may be in the ownership, possession, custody or control of the Hospital immediately before the appointed day and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) Every deed of gift, endowment, bequest or trust or other documents relating to any property and assets referred to in clause (b) of section 2 or sub-section (1) of this section shall be construed as if it were made or executed in favour of the State Government.

(Text omitted, as the rest of the text is reproduced in Act XVI of 1982, printed later—Editor)

THE BENGAL ELECTRICITY DUTY (AMENDMENT) ORDINANCE, 1982.

Published in the Calcutta Gazette, Extraordinary, Part III-A, No. 645 dated December 28, 1982.

WEST BENGAL ORDINANCE NO. XXVI OF 1982

Whereas it is expedient to amend the Bengal Electricity Duty Act, 1935, (Ben. Act X of 1935), for the purpose and in the manner herein appearing ;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bengal Electricity Duty (Amendment) Ordinance, 1982.

(2) It shall come into force on the 1st day of January, 1983.

2. *Amendment of the First Schedule to Ben. Act X of 1935.*—In the First Schedule to the Bengal Electricity Duty Act, 1935, in Part C,—

(1) in article (1),—

(a) in clause (a), for the words and figures “where such common rate charged is less than 48 paise as net charge,” the following words and figures shall be substituted :—

“where such common rate charged is for supply of energy for commercial purposes and is less than 65 paise as net charge, or for supply of energy for other than commercial purposes and is less than 48 paise as net charge,” ;

(b) in clause (b), for the words and figures “where such common rate charged is 48 paise or more as net charge,” the following words and figures shall be substituted :—

“where such common rate charged is for supply of energy for commercial purposes and is 65 paise or more as net charge, or for supply of energy for other than commercial purposes and is 48 paise or more as net charge,” ;

(2) in article (2),—

(a) in clause (a), for the words and figures “where such common rate charged is less than 48 paise as net charge,” the following words and figures shall be substituted :—

“where such common rate charged is for supply of energy for commercial purposes and is less than 65 paise as net charge, or for supply of energy for other than commercial purposes and is less than 48 paise as net charge,” ;

(b) in clause (b), for the figures and words "where such common rate charged is 48 paise or more as net charge," the following words and figures shall be substituted :—

"where such common rate charged is for supply of energy for commercial purposes and is 65 paise or more as net charge, or for supply of energy for other than commercial purposes and is 48 paise or more as net charge,".

The 24th December, 1982.

B. D. PANDE,
Governor of West Bengal.

THE UPENDRA NATH MUKERJEE MEMORIAL HOSPITAL ACQUISITION ORDINANCE, 1982

The following Ordinance was published in the Calcutta Gazette, Extraordinary Part III-A. No. 389, dated August 27, 1982

WEST BENGAL ORDINANCE NO. XXIII OF 1982

Whereas it is expedient to provide for the acquisition of the Hospital known as the Upendra Nath Mukherjee Memorial Hospital at 24, Surra 3rd Lane, Beliaghata, Calcutta-10 for its better management and maintenance in the public interest and for matters connected therewith or incidental thereto;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the Upendra Nath Mukherjee Memorial Hospital Acquisition Ordinance, 1982.

(Text is omitted as it is repealed by West Bengal Act No XVIII of 1982, printed later Editor)

THE BENGAL EMBANKMENT (WEST BENGAL AMENDMENT) ACT, 1981.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, No. 519, dated October 13, 1982.

WEST BENGAL ACT XLVI OF 1981

An Act to amend the Bengal Embankment Act, 1882, in its application to West Bengal.

Whereas it is expedient to amend the Bengal Embankment Act, 1882, (Ben. Act II of 1882.) in its application to West Bengal, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-second Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Bengal Embankment (West Bengal Amendment) Act, 1981.

2. *Application of the Act.*—The Bengal Embankment Act, 1882 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Insertion of new sections 32A and 32B in Ben. Act II of 1982.* After section 32 of the principal Act, the following Sections shall be inserted :—

32A. “Power to remove, dismantle or demolish embankment, fishery, etc.—Notwithstanding anything contained elsewhere in this Act, the Engineer or any other person duly authorised by him in this behalf may remove, dismantle or demolish any embankment, fishery, hut, building, sluice, obstruction, encroachment or any other construction which in the opinion of the Engineer is likely to interfere with, counteract or impede any public embankment or any public water-course.

32B. *Protection of action taken under this Act:*—No suit, prosecution or other legal proceeding shall lie against the Engineer or any person duly authorised by him for anything which is in good faith done or intended to be done under this Act”.

THE CODE OF CRIMINAL PROCEDURE (WEST BENGAL AMENDMENT) ACT, 1981.

The following Act of the West Bengal Legislature, having been assented to by the President was published in the Calcutta Gazette, Extraordinary, Part III, No. 638 dated December 24, 1982

WEST BENGAL ACT XLVII OF 1981

[Assent of the President was first published in the Calcutta Gazette, Extraordinary, of the 24th December 1982.]

An Act to amend the Code of Criminal Procedure, 1973, in its application to West Bengal

Whereas it is expedient to amend the Code of Criminal Procedure, 1973, (2 of 1974) in its application to West Bengal, for the purposes and in the manner hereinafter appearing.

It is hereby enacted in the Thirty-second year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *short title.*—This Act may be called the Code of Criminal Procedure (West Bengal Amendment) Act, 1981.

2. *Application of the Act.*—The Code of Criminal Procedure 1973 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Amendment of section 438.*—To sub-section (1) of section 438 of the principal Act, the following proviso shall be added:—

“Provided that where the apprehended accusation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than seven years, no final order shall be made on such application without giving the State not less than seven days notice to present its case.”

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF VACANCIES IN SERVICES AND POSTS) (AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, No. 491 dated October 11, 1982

WEST BENGAL ACT VII OF 1982.

[Assent of the Governor was first published in the Calcutta Gazette Extraordinary, of 11th October, 1982.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Ben. Act XXVII of 1976.) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1982.

2. *Amendment of section 5 of West Ben. Act XXVII of 1976.*—In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted and shall be deemed to have been so substituted with effect from the 1st day of April, 1981:—

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 2375”;

3. *Repeal and saving.*—(1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 (West Ben. Ord. XIV of 1982.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act as if this Act were in force on the day on which such thing was done or deemed to have been done or such action was taken or deemed to have been taken.

THE WEST BENGAL PANCHAYAT (AMENDMENT) ACT, 1982

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the Calcutta Gazette, Extraordinary, part III, No. 516, dated October 12, 1982,

WEST BENGAL ACT XI OF 1982

An Act to amend the West Bengal Panchayat Act, 1973.

Whereas it is expedient to amend the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Panchayat (Amendment) Act, 1982.

2. *Amendment of section 214 of West Ben. Act XLI of 1973.*—In sub-section (1) of section 214 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the principal Act), for the words “six months”, the words “two years” shall be substituted and shall be deemed always to have been substituted.

3. *Repeal and saving.*—(1) The West Bengal Panchayat (Amendment) Second Ordinance, 1982 (West Ben. Ord. XI of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the West Bengal Panchayat (Amendment) Second Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE WEST BENGAL REQUISITIONED LAND (CONTINUANCE OF POWERS) (AMENDMENT) ACT, 1982

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, No. 494, dated October 12, 1982.

WEST BENGAL ACT XIV OF 1982

An Act to amend the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951.

Whereas it is expedient to amend the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (West Ben. Act VIII of 1951), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1982.

(2) This section and section 4 shall come into force at once ; and the remaining provisions of this Act shall be deemed to have come into force on the 31st day of March, 1982.

2. *Amendment of section 1 of West Ben. Act VIII of 1951.*—In sub-section (3) of section 1 of the West Bengal Requisitioned Land (Continuance of Powers) Act, 1951 (hereinafter referred to as the principal Act), for the words “thirty-one years”, the words “thirty-two years” shall be substituted

3. *Amendment of section 6.*—In sub-section (4) of section 6 of the principal Act, for the words “six years,” the words “seven years” shall be substituted.

4. *Repeal and savings*—(1) The West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Second Ordinance, 1982 (West Ben. Ord. XV of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the

principal Act as amended by the West Bengal Requisitioned Land (Continuance of powers) (Amendment) Second Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE WEST BENGAL ESTATES ACQUISITION (AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extra ordinary-Part III, No. 546, dated November 4, 1982.

WEST BENGAL ACT XX OF 1982.

An Act to amend the West Bengal Estates Acquisition Act, 1953.

Whereas it is expedient to amend the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954.) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the **West Bengal Estates Acquisition (Amendment) Act, 1982.**

2. *Amendment of Section 44 of West Ben. Act I of 1954.*—In sub-section (2a) of section 44 of the West Bengal Estates Acquisition Act, 1953, for the words “twenty-five year”, the words “thirty years” shall be substituted.

THE WEST BENGAL COLLEGES (PAYMENT OF SALARIES) (AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature having been assented to by the Governor, was published in the Calcutta Gazette, Extra ordinary, Part III, dated November 6, 1982.

WEST BENGAL ACT XXI OF 1982.

An Act to amend the West Bengal Colleges (Payment of Salaries) Act, 1978.

Whereas it is expedient to amend the West Bengal Colleges (Payment of Salaries) Act, 1978, (West Ben. Act XI of 1978) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the **West Bengal Colleges (Payment of Salaries) (Amendment) Act, 1982.**

2. *Amendment of section 4 of West Ben. Act XI of 1978.*—In sub-section (5) of section 4 of the West Bengal Colleges (Payment of Salaries) Act, 1978 (hereinafter referred to as the principal Act), for the words “seventy-five per cent of the assumed income.”, the words “such percentage of the assumed income as the State Government may, from time to time, determine.” shall be substituted.

3. *Amendment of section 5.*—In section 5 of the principal Act, for the words “seventy-five per cent of the actual income of that month”, the words “such percentage of the actual income of that month as the State Government may, from time to time, determine” shall be substituted.

4. *Amendment of section 6.*—In sub-section (1) of section 6 of the principal Act, for the words “seventy-five per cent, of the assumed income”, the words “the percentage of the assumed income determined under sub-section (5) of section 4” shall be substituted.

5. *Omission of section 7.*—Section 7 of the principal Act shall be omitted and shall be deemed to have been so omitted with effect from the 1st day of February, 1982.

THE WEST BENGAL KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT) ACT 1982

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta, Gazette Extraordinary, Part III, No. 550, dated November 6, 1982

WEST BENGAL ACT XXII OF 1982

An Act to amend the West Bengal Khadi and Village Industries Board Act, 1959:

Whereas it is expedient to amend the West Bengal Khadi and Village Industries Board Act, 1959 (West Ben. Act, XIV of 1959) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows ;—

1. *Short title.*—This Act may be called the West Bengal Khadi and Village Industries Board (Amendment) Act, 1982.

2. *Amendment of section 9 of West Ben. Act. XIV of 1959*—In section 9 of the West Bengal Khadi and village Industries Board Act, 1959, for the proviso to sub-section (2) the following proviso shall be substituted:—

“Provided that—

- (a) no post of officer or servant shall be created, and
 - (b) no post carrying a scale of pay, the maximum of which exceeds rupees seven hundred, shall be filled up,
- except with the previous approval of State Government ”

THE WEST BENGAL LAND HOLDING REVENUE (AMENDMENT) ACT 1982

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, No. 556 dated November 8, 1982.

WEST BENGAL ACT XXIII OF 1982

An Act to amend the West Bengal Land Holding Revenue Act, 1979.

Whereas it is expedient to amend the West Bengal Land Holding Revenue Act, 1979 (West Ben. Act XLIV of 1979) for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the West Bengal Land Holding Revenue (Amendment) Act, 1982.

2. *Amendment of section 26 of West Ben. Act. XLIV of 1979*—To sub-section (1) of section 26 of the West Bengal Land Holding Revenue

Act, 1979 (hereinafter referred to as the principal Act,) the following provisos shall be added and shall be deemed always to have been added :—

“Provided that notwithstanding the provisions of sub-section (1), the liability of a raiyat to pay revenue for his holding and collection of such revenue in accordance with the provisions of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956.) shall continue till the revenue in respect of such holding of a raiyat is assessed, determined and levied in accordance with the provisions of this Act:—

Provided further that such payment of revenue made by a raiyat shall in the manner prescribed, be adjusted towards the revenue payable by such raiyat in respect of his land holding on being assessed and determined in accordance with the provisions of this Act or be refunded to the raiyat if after assessment and determination of the revenue under the provisions of this Act, it is found that the raiyat is not liable to pay any revenue.”

3. *Amendment of section 27.*—To sub-section (i) of section 27 of the principal Act; the following provisos shall be added and shall be deemed always to have been added :—

“Provided that notwithstanding the cessation of the provisions of the West Bengal Non-Agricultural Tenancy Act, 1949 (West Ben. Act XX of 1949.) in any district the liability to pay rent for non-agricultural land in accordance with the provisions of the West Bengal Non-Agricultural land in accordance with the provisions of the West Bengal Non-Agricultural Tenancy Act, 1949, shall continue till the revenue in respect of such land holding is assessed, determined and levied under the provisions of this Act:

“Provided further that such payment of rent made for non-agricultural land in any district, shall, in the manner prescribed, be adjusted towards the revenue payable in respect of such land holding on being assessed and determined in accordance with the provisions of this Act or be refunded if after assessment and determination of the revenue under the provisions of this Act it is found that no revenue is payable on such land holding”.

THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, No. 510, dated October 12, 1982.

WEST BENGAL ACT X OF 1982

An Act to amend the Bengal Municipal Act, 1932.

Whereas it is expedient to amend the Bengal Municipal Act, 1932 (Ben Act XV of 1932.), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Bengal Municipal (Amendment) Act, 1982.

(2) Save as otherwise provided in this Act, clause (a) and clause (c) of section 2 shall be deemed to have come into force on the 11th day of February, 1982; clause (b) of section 2 shall come into force on

such date as the State Government may, by notification in the Official Gazette, appoint; and sections 4 to 16 shall be deemed to have come into force on the 1st day of January, 1982.

2. *Amendment of section 6 of Ben. Act XV of 1932.*—In the Bengal Municipal Act 1932, (hereinafter referred to as the principal Act), in section 6,—

(a) in sub-section (1), the words “and by such other means as it may determine,” shall be omitted and shall be deemed always to have been omitted;

(b) in sub-section (2) for the words “by beat of drum throughout the municipality”, the words “by insertion in at least three newspapers in circulation in the municipality” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted and shall be deemed always to have been inserted:—

“(3) The provisions of sub-section (2) shall not apply in the case of a notification issued under clause (a) of, read with clause (i) of the proviso to, sub-section (1).”

3. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted:—

“6A. *Sub-section (3) of section 6 of the Act to cease to have effect.*—With effect from the date of coming into force of clause (b) of section 2 of the Bengal Municipal (Amendment) Act, 1982, sub-section (3) of section 6 shall cease to have effect, except as respects things done or omitted to be done before such cesser; and section 8 of the Bengal General Clauses Act, 1899, (Ben. Act I of 1899), shall apply upon such cesser as if the said sub-section had then been repealed by a West Bengal Act.”

4. *Insertion of new section 8A.*—After section 8 of the principal Act, the following section shall be inserted and shall be deemed always to have been inserted:—

“8A. *Validation.*—Where the constitution, abolition or alteration of limits of municipality is set aside by order of a Court or otherwise, anything done or any action taken upon the constitution, abolition or alteration of limits of such municipality before such constitution, abolition or alteration of limits of such municipality is so set aside shall be deemed to have been validly done or taken.”

5. *Amendment of section 21F.*—To sub-section (3) of section 21F of the principal Act, the following proviso shall be added:—

“Provided that if the electoral roll for a municipality is not revised or is revised in a summary manner, the validity of such electoral roll shall not be called in question.”

6. *Amendment of section 25.*—In sub-section (1) of section 25 of the principal Act, after the word “Chairman”, the words “or the District Magistrate or the Magistrate-in-charge of the sub-division” shall be inserted.

7. *Amendment of section 120.*—In section 120 of the principal Act,—

(1) in sub-section (1), after the words, letter, figure and brackets “or clause (f) of section 8”, the words “or in consequence of an order of any Court or otherwise” shall be inserted;

(2) in sub-section (2), after the word and figure "section 8", the words "or in consequence of an order of any Court or otherwise" shall be inserted :

(3) after sub-section (2), the following sub-section shall be inserted :—

"(2A) The State Government may make such arrangement for administration of such portion of the balance of the Municipal Fund and other property as vests in the State Government under sub-section (1) or the balance of the Municipal Fund and all other property which vest in the State Government under sub-section (2) as it may consider necessary and may make such provisions for continuance of the civic services for the welfare of the inhabitants of the area affected as it may deem fit and proper.

(2B) Upon an arrangement made under sub-section (2A) the local area referred to in sub-section (1) or the whole area referred to in sub-section (2) shall be deemed to be a notified area within the meaning of sub-section (3) of section 93A."

8. *Insertion of new section 123B.*—After section 123A of the principal Act, the following section shall be inserted:—

"123B. *Exemption from consolidated rate.*—The Commissioners may at a meeting exempt from the consolidated rate any holding or portion thereof used exclusively for the purposes of public worship or any public burial or burning-ground or other places for the disposal of the dead duly registered under Chapter XX and declared as such by the State Government by notification.

Explanation.—The following holdings shall not be deemed to be used exclusively for public worship within the meaning of this section, namely:—

(a) holdings in or on which any trade or business is carried on ;

(b) holdings in respect of which rent is derived, and

(c) holdings to which the public do not have the right of free access without payment."

9. *Amendment of section 128.*—In sub-section (1) of section 128 of the principal Act, after the words "annual rental", the words "including service charges" shall be inserted.

10. *Amendment of section 137.*—To sub-section (1) of section 137 of the principal Act, the following proviso shall be added:—

"Provided that if an existing valuation list is not revised for any unavoidable reason, the validity of operation of such valuation list shall not be called in question till a new valuation list takes effect under this Act."

11. *Amendment of section 151.*—In sub-section (1) of section 151 of the principal Act, for the words "the previous assessment or valuation or of the revised assessment or valuation as may be preferred by the rate-payer.", the words "the revised assessment or valuation, and the objection shall fail unless the rate is paid or continued to be paid on such assessment or valuation till the objection is finally disposed of." shall be substituted.

12. *Amendment of section 330.*—In section 330 of the principal Act, for the words “Judicial Magistrate”, wherever they occur, the words “Executive Magistrate” shall be substituted.

13. *Amendment of section 331.*—In section 331 of the principal Act, for the words “Judicial Magistrate”, wherever they occur, the words “Executive Magistrate” shall be substituted.

14. *Amendment of section 544A.*—In sub-section (1) of section 544A of the principal Act,—

(1) for the words “to exercise” the words “and vest him with” shall be substituted, and

(2) for the word “appointment”, the word “vesting” shall be substituted

15. *Amendment of section 545.*—In sub-section (1) of section 545 of the principal Act, for the words “The Director of Local Bodies”, the words “Notwithstanding anything contained elsewhere in this Act, the Director of Local Bodies” shall be substituted.

16. *Amendment of section 553.*—To section 553 of the principal Act, the following proviso shall be added:—

“Provided that such supersession shall not at the first instance be made for a period of more than one year, and such period may subsequently be extended for reasons to be recorded in writing by a period not exceeding six months.”

17. *Repeal and saving.*—(1) The Bengal Municipal (Amendment) Third Ordinance, 1982 (West Bengal Ordinance XII of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the Bengal Municipal (Amendment) Third Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE WEST BENGAL PANCHAYAT (SECOND AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, No. 514, dated October 12, 1982.

WEST BENGAL ACT XII OF 1982

An Act to amend the West Bengal Panchayat Act, 1973.

Whereas it is expedient to amend the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Panchayat (Second Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 4th day of August, 1982.

2. *Amendment of section 7 of West Ben. Act. XLI of 1973.*—In section 7 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words "four year", the words "five years" shall be substituted and shall be deemed always to have been substituted;

(b) in sub-section (2),—

(i) for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted,

(ii) in the proviso, for the words "four year", the words "five years" shall be substituted and shall be deemed always to have been substituted.

3. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (3), for the words "four years" the words "five years" shall be substituted and shall be deemed always to have been substituted.

4. *Amendment of section 51.*—In section 51 of the principal Act, in sub-section (4), for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted.

5. *Amendment of section 96.*—In section 96 of the principal Act,—

(a) in sub-section (1), for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted;

(b) in sub-section (2),—

(i) for the words "four year", the words "five years" shall be substituted and shall be deemed always to have been substituted,

(ii) in the proviso, for the words "four year", the words "five years" shall be substituted and shall be deemed always to have been substituted.

6. *Amendment of section 98.*—In section 98 of the principal Act, in sub-section (3), for the words "four years", the words "five years" shall be substituted.

7. *Amendment of section 124.*—In section 124 of the principal Act, in sub-section (4), for the words "four years" the words "five year" shall be deemed always to have been substituted.

8. *Amendment of section 141.*—In section 141 of the principal Act,—

(a) in sub-section (1), for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted,

(b) in sub-section (2),—

(i) for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted.

(ii) in the proviso, for the words "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted.

9. *Amendment of section 143.*—In section 143 of the principal Act, in sub-section (3), for the word "four years", the words "five years" shall be substituted and shall be deemed always to have been substituted.

10. *Amendment of section 166.*—In section 166 of the principal Act, in the proviso to sub-section (2), for the words "first four years" the words "first five years", shall be deemed always to have been substituted.

11. *Amendment of section 171.*—In section 171 of the principal Act, in sub-section (4), for the words “four years”, the words “five years” shall be substituted and shall be deemed always to have been substituted.

12. *Amendment of section 197A.*—In section 197A of the principal Act, in clause (b), for the words “four years”, the words “five years” shall be substituted and shall be deemed always to have been substituted.

13. *Repeal and saving.*—(1) The West Bengal Panchayat (Second Amendment) Ordinance, 1982, (West Ben. Ord. XVII of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal Panchayat (Second Amendment) Ordinance, 1982, shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE WEST BENGAL TAXATION LAWS (AMENDMENT) ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the Calcutta Gazette, Extraordinary, Part III, No. 451 dated September 28 1982.

WEST BENGAL ACT V OF 1982.

An Act to amend the Bengal Amusements Tax Act, 1922, the Bengal Finance (Sales Tax) Act, 1941, the West Bengal Sales Tax Act, 1954, the West Bengal Primary Education Act, 1974 and the West Bengal Rural Employment and Production Act, 1976.

Whereas it is expedient to amend the Bengal Amusements Tax Act, 1922 (Ben Act V of 1922) the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941), the West Bengal Sales Tax Act, 1954 (West Ben. Act IV of 1954), The West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973), the West Bengal Motor Spirit Sales Tax Act, 1974 (West Ben. Act XI of 1974) and the West Bengal Rural Employment and Production Act, 1976 (West Ben. Act XIV of 1976) for the Purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal as follows:—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Taxation Laws (Amendment) Act 1982.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act

2. *Amendment of Ben. Act V of 1922.* In the Bengal Amusements Tax Act, 1922, in section 3,—

(1) in sub-section (3a), in the Table—

(a) in item (a), for the letters and figures “Re 0.50” the letters and figures “Re.0.75” shall be substituted;

(b) in item (b), for the letters figures and words “Re.0.50, but up to Rs. 1.20” the letters, figures and words “Re.0 75, but up to Rs.1.45” shall be substituted;

(c) in item (c) for the letters, figures and words "Rs.1.20 but up to Rs.2.25" the letters, figures and words "Rs. 1.45, but up to Rs. 2.50" shall be substituted;

(d) in item (d), for the letters and figures "Rs. 2.25" the letters and figures "Rs. 2.50" shall be substituted;

(2) in sub-section (3aa),—

(a) in clause (i), for the words 'fifty paise' the words "seventy-five paise" shall be substituted;

(b) in clause (ii),—

(1) for the words "fifty-one paise" the words "seventy-six paise" shall be substituted, and

(2) for the letters and figures "Rs.1.20" the letters and figures "Rs 1.45" shall be substituted;

(c) in clause (iii)—

(1) for the words "rupee one and twenty-one paise" the words "rupee one and forty-six paise" shall substituted and

(2) for the letters and figures "Rs.2.25" the letters and figures "Rs. 2.50" shall be substituted;

(d) in clause (iv) for the letters and figures "Rs.2.25" the letters and figures "Rs 2.50" shall be substituted.

3. *Amendment of Ben Act. VI of 1941*—In the Bengal Finance (Sales Tax) Act, 1941—

(1) in section 5, in sub section (1)—

(a) in clause (aaa) for the words "one per centum" the words "two per centum" shall be substituted;

(b) in clause (bb)—

(i) in sub-clause (i) for the words "one per centum" the words "two per centum" shall be substituted;

(ii) in sub-clause (ii) for the words "one per centum" the words "two per centum" shall be substituted;

(2) in section 14,—

(a) in sub-section (4),—

(i) after the words "any place of business" the words "or ware house" shall be inserted;

(ii) for the words "or documents of his business" the words "documents or records of his business or any stock of goods for sale" shall be substituted;

(iii) in the Explanation,—

(1) after the words "any place of business", the words "or warehouse" shall be inserted ;

(2) for the words "or documents of his business.", the words "documents or records of his business or any stock of goods for sale." shall be substituted ;

(b) after the Explanation to sub-section (4), the following sub-section shall be added :—

"(5) The Commissioner or any person appointed under sub-section (1) of section 3 to assist him may, subject to such restrictions and conditions as may be prescribed, seal any room, warehouse, almirah, safe, box or container in which he has reason to believe that the dealer keeps, or is for the time being keeping any accounts, registers, documents or records of his business or any stock of goods for sale,

either before entering and searching any place of business or warehouse of any dealer or any other place referred to in sub-section (4), and then, if necessary, break open such room, warehouse, almirah, safe, box or container.” ;

(3) after section 14A, the following section shall be inserted :—

“14B. *Power to call for any information or statement from bank, post-office, railway, etc.*—Subject to the provisions of any law for the time being in force, the Commissioner or any person appointed under sub-section (1) of section 3 to assist him may, for carrying out the purposes of this Act, require any bank, post-office, railway, transporter, carrier shipper or clearing, forwarding or transporting agent to furnish to him any information or statement useful for or relevant to any proceedings under this Act and he may also examine any accounts, registers, documents or other records in the possession of such bank, post-office, railway, transporter, carrier, shipper or clearing, forwarding or transporting agent.” ;

(4) in section 19A, in sub-section (4), for the words, figures and letter “sections 14 and 14A:”, the words, figures and letters “sections 14, 14A and 14B:” shall be substituted ;

(5) in section 22, —

(a) in sub-section (1), after clause (g), the following clause shall be inserted :—

“(gg) neglects or refuses to comply with any requirement under section 14B ; or” ;

(b) in sub-section (7), after the words “a search or seizure”, the words “or taking other actions” shall be inserted ;

(6) in Schedule I, —

(a) in the entry in column 2 against item 13, for the words “tractors and power tillers”, the words “tractors, power-tillers and other implements operated by power” shall be substituted ;

(b) in the entry in column I against item 49, for the words “Hosiery goods” the words “Hosiery goods other than woollen hosiery goods irrespective of proportion of woollen content,” shall be substituted.

4. *Amendment of West Ben. Act IV of 1954.*—In the West Bengal Sales Tax Act, 1954.—

(1) In section 3A, in sub-section (1), in clause (b), for the words and figures “sections 7 and 13;” the words, figures and letter “sections. 7, 13 and 13A:” shall be substituted ;

(2) in section 13, —

(a) in sub-section (1A), after the word “inspection”, the words. “or search, if necessary,” shall be inserted ;

(b) after sub-section (2), the following sub-sections shall be inserted:—

“(3) For removal of doubts it is hereby declared that the prescribed authority may, while entering and searching places referred to in sub-section (1A) or sub-section (2), break open, if necessary, any door or window, or any almirah, safe, box or container in which he has reason to believe that the dealer keeps or is, for the time being, keeping any accounts, registers, vouchers or other documents referred to in sub-section (2) or stocks of notified commodities for sale.

(4) The prescribed authority may, subject to such restrictions or conditions as may be prescribed, seal any room, warehouse, almirah, safe, box or container in which he has reason to believe that the dealer keeps or is, for the time being, keeping any accounts, registers, vouchers or other documents referred to in sub-section (2) or stocks of notified commodities for sale, either before entering and searching or during searching places referred to in sub-section (1A) or sub-section (2), and may thereafter, if necessary, break open such room, warehouse, almirah, safe, box or container.”;

(3) after section 13, the following section shall be inserted:—

“13A. *Power to call for any information or statement from bank, post-office, railway, etc.*—Subject to the provisions of any law for the time being in force, the prescribed authority may, for carrying out the purposes of this Act, require any person including a bank, post-office, railway, transporter, carrier, shipper or clearing, forwarding or transporting agent to furnish to that authority any information or statement useful for or relevant to any proceedings under this Act, and may also examine any books of accounts or other documents in the possession of such person including such bank, post-office, railway, transporter, carrier, shipper or clearing, forwarding or transporting agent,”;

(4) in section 16, in sub-section (1),—

(a) in clause (c), after the word, figure and brackets “sub-section (2)”, the words, figures and brackets “or sub-section (3) or sub-section (4)” shall be inserted;

(b) after clause (d), the following clause shall be inserted:—

“(dd) neglects or refuses to comply with any requirement under section 13A,”;

(5) in section 23A—

(a) in clause (1) in sub-clause (a) for the words “one per centum” the words “two per centum” shall be substituted;

(b) in clause (2)—

(i) in sub-clause (i) for the words “one per centum” the words “two per centum” shall be substituted;

(ii) in sub-clause (ii), for the words “one per centum” the words “two per centum” shall be substituted;

(6) after section 26 the following section shall be added:—

“27. *Power of State Government to specify notified commodities as taxable under Bengal Act VI of 1941.*—If the State Government is at any time of opinion that it would be in the public interest that any commodity which is liable to taxation under this Act should be taxed under the Bengal Finance (Sales Tax) Act 1941, (Ben. Act VI of 1941.) it may, by notification in the Official Gazette specify such commodity and direct that with effect from such date as may be fixed in the notification this Act shall cease to apply to such commodity and the Bengal Finance (Sales Tax) Act, 1941 shall apply to such commodity.”

5. *Amendment of West Ben. Act XLIII of 1973*—In the West Bengal Primary Education Act, 1973—

(1) in section 78, in sub-section (2), in clause (b),—

(a) for the words “rupee one” the words “rupees two” shall be substituted;

(b) the words "annual" shall be omitted;

(2) after section 78 the following section shall be added:—

78A. "*Levy recovery, etc. of cess in respect of coal mines.*—

Notwithstanding anything contained in sub-section (4) of section 78 or in the Cess Act, 1980 (Bom. Act IX of 1980).—

(a) on and from the 15th day of April, 1982, the education cess payable under sub-section (1) of section 78 in respect of coal mines referred to in clause (b) of sub-section (2) of that section on despatches of coal from such coal mines shall be paid by the owner of the coal mine in such manner, for such period and by such date as may be prescribed, and shall be levied by such authority as may be notified by the State Government in this behalf in the Official Gazette in such manner as may be prescribed (hereinafter referred to as the notified authority);

(b) every owner of a coal mine shall file a return showing the amount of education cess payable by him under clause (a) in such form, for such period and by such date as may be prescribed;

(c) every owner of a coal mine shall be liable to pay, by way of penalty in default of payment of the education cess payable by him, under clause (a) filing without any reasonable cause, the return under clause (b) for any period by the prescribed date, an amount, not exceeding the amount of such cess payable for such period as may be levied by the notified authority at the time of assessment of such cess under clause (d), in such manner as may be prescribed;

Provided that the notified authority shall give the owner of a coal mine an opportunity of being heard before imposition of such penalty;

(d) the education cess under clause (b) of sub-section (2) of section 78 on despatches of coal on and from the 15th day of April, 1982, shall be assessed by the notified authority in the manner prescribed, and if the return under clause (b) is not accepted, the owner of the coal mine shall be given a reasonable opportunity of being heard before making such assessment;

(e) an appeal, revision or review, as the case may be, from an order of assessment or any other order passed under this section shall lie to such authority, on such conditions and in such manner as may be prescribed;

(f) recovery of the education cess assessed under clause (d) or refund of any amount of such cess found to have been paid in excess after assessments shall be made in the manner prescribed;

(g) every owner of a coal mine shall be liable to pay, by way of penalty in default, without reasonable cause, of payment of the education cess assessed under clause (d) by the date specified in the notice of demand issued in this behalf, an amount not exceeding the amount of such cess so remaining unpaid, and such penalty may be imposed by the notified authority in the manner prescribed;

Provided that the notified authority shall give the owner of the coal mine an opportunity of being heard before imposition of such penalty;

(h) the State Government or the notified authority may appoint persons to assist the notified authority;

(i) any powers, duties or functions of the notified authority may be delegated to any person appointed under clause (h) in such manner as may be prescribed."

6. *Amendment of West Ben. Act XI of 1974.*—In section 4 of the West Bengal Motor Spirit Sales Tax Act, 1974, in the Table below sub-section (2), in column 2 against item 3, for the words "Nine per centum", the words "Twelve per centum" shall be substituted.

7. *Amendment of West Ben. Act XIV of 1976.*—In the West Bengal Rural Employment and Production Act, 1976,—

(1) in section 4,—

(a) in sub-section (2),—

(i) in clause (aa) the first proviso shall be omitted;

(ii) in clause (b),—

(A) for the words "rupees five", the words "rupees seven and fifty paise" shall be substituted, and

(B) the word "annual" shall be omitted ;

(b) in sub-section (3),—

(i) in clause (a), for the words, letters, figure and brackets "the rural employment cess under clause (aa) of sub-section (2) shall be payable", the words, letters, figures and brackets "the rural employment cess payable under sub-section (1) in respect of a tea estate referred to in clause (aa) of sub-section (2) shall be paid" shall be substituted;

(ii) in clause (c), for the words "such return", the words "a return showing the amount of rural employment cess payable by him in such form, for such period and by such date" shall be substituted ;

(iii) after clause (c), the following clause shall be inserted :—

"(cc) every owner of a tea estate shall be liable to pay, by way of rural employment cess payable by him under clause (a) or filing without any reasonable cause the return under clause (c) for any period by the prescribed date, an amount not exceeding the amount of such cess payable for such period as may be levied by the prescribed authority at the time of assessment of such cess under clause (d), in such manner as may be prescribed :

Provided that the prescribed authority shall give the owner of the tea estate an opportunity of being heard before imposition of such penalty";

(iu) in clause (d), for the words "are not accepted" the words "is not accepted" shall be substituted ;

(v) in clause (g),—

(A) for the words, letters, figure and brackets "leviable under clause (aa) of sub-section (2) for any period" the words, letter and brackets "assessed under clause (d) and remaining unpaid" shall be substituted and

(B) for the words "for such period without reasonable cause by such date as may be prescribed." the words "without reasonable cause" shall be substituted.

(vi) after clause (g), the following clause shall be inserted :—

“(gg) if the owner of a tea estate fails without reasonable cause to get himself registered under clause (b), he shall be punishable with simple imprisonment for a term which may extend to one year or with fine of one thousand rupees or with both, and in the case of a continuing offence, with a further fine which may extend to one hundred rupees for every day during which such offence continues after first conviction:

Provided that no Court shall take cognizance of any offence punishable under this clause except with the previous sanction of the prescribed authority, and no Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try such offence;”

(2) after section 4, the following section shall be inserted :—

4A. “*Levy recovery, etc, of cess in respect of coal mines.*— Notwithstanding anything contained in the Cess Act, 1880, (Ben. Act IX of 1880.)

(a) on and from the 15th day of April, 1982 the rural employment cess payable under sub-section (1) of section 4 in respect of coal mines referred to in clause (b) of sub-section (2) of that section on despatches of coal from such coal mines shall be paid by the owner of the coal mine in such manner, for such period and by such date as may be prescribed, and shall be levied by such authority as may be notified by the State Government in this behalf in the Official Gazette in such manner as may be prescribed (hereinafter referred to as the notified authority);

(b) every owner of a coal mine shall file a return showing the amount of rural employment cess payable by him under clause (a) in such form, for such period and by such date as may be prescribed;

(c) every owner of a coal mine shall be liable to pay, by way of penalty in default of payment of the rural employment cess payable by him under clause (a) or filing without any reasonable cause the return under clause (b) for any period by the prescribed date, an amount, not exceeding the amount of such cess payable for such period as may be levied by the notified authority at the time of assessment of such cess under clause (d), in such manner as may be prescribed :

Provided that the notified authority shall give the owner of a coal mine an opportunity of being heard before imposition of such penalty;

(d) the rural employment cess under clause (b) of sub-section (2) of section 4 on despatches of coal on and from the 15th day of April, 1982, shall be assessed by the notified authority in the manner prescribed and if the return under clause (b) is not accepted, the owner of the coal mine shall be given a reasonable opportunity of being heard before making such assessment;

(e) an appeal, revision or review, as the case may be, from an order of assessment or any other order passed under this section shall lie to such authority, on such conditions and in such manner as may be prescribed;

(f) recovery of the rural employment cess assessed under clause (d) or refund of any amount of such cess found to have been paid in excess after assessment shall be made in the manner prescribed;

(g) every owner of a coal mine shall be liable to pay, by way of penalty in default, without reasonable cause of payment of the rural employment cess assessed under clause (d) by the date specified in the notice of demand issued in this behalf, an amount not exceeding the amount of such cess so remaining unpaid, and such penalty may be imposed by the notified authority in the manner prescribed :

Provided that the notified authority shall give the owner of a coal mine an opportunity of being heard before imposition of such penalty;

(h) the State Government or the notified authority may appoint persons to assist the notified authority ;

(i) any powers, duties or functions of the notified authority may be delegated to any person appointed under clause (h) in such manner as may be prescribed."

THE UPENDRA NATH MUKHERJEE MEMORIAL HOSPITAL ACQUISITION ACT, 1982.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, No. 504, dated October 12, 1982.

WEST BENGAL ACT XVIII OF 1982

An Act to provide for the acquisition of the Hospital known as the Upendra Nath Mukherjee Memorial Hospital at 24, Sura 3rd Lane, Beliaghata, Calcutta-10.

Whereas it is expedient to provide for the acquisition of the Hospital known as the Upendra Nath Mukherjee Memorial Hospital at 24, Sura 3rd Lane, Beliaghata, Calcutta-10 for its better management and maintenance in the public interest and for matters connected therewith or incidental thereto ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follow :—

1. *Short title and commencement.*—(1) This act may be called the Upendra Nath Mukherjee Memorial Hospital Acquisition Act, 1982.

(2) It shall be deemed to have come into force on the 27th day of August, 1982.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointment day" means the 27th date of August, 1982 ;

(b) "the Hospital" means the Upendra Nath Mukherjee Memorial Hospital at 24, Sura 3rd Lane, Beliaghata, Calcutta-10, together with the indoor beds and provisions for outdoor services and dispensaries attached thereto and includes all lands and buildings, equipments stores, drugs and other articles used in connection therewith as accessories to or adjuncts of the said Upendra Nath Mukherjee Memorial Hospital, Beliaghata, Calcutta run under the auspices of the medical Aids Society of Bengal, a society registered under the Societies Registration Act, 1860 (21 of 1860);

(c) "notification" means a notification published in the Official Gazette ;

(d) "prescribed" means prescribed by rules made under this Act.

3. *Hospital to vest in the State Government*—On and from the appointed day the Hospital shall, by virtue of this Act, be transferred to, and vest in, the State Government.

4. *General effect of vesting*.—(1) The Hospital shall be deemed to include all rights, powers, authorities and privileges related to, and properties movable or immovable, cash balances, reserve fund and other assets of, the Hospital including lands, buildings, works, machinery, furniture, plants, laboratories, libraries, dispensaries, apparatus, tools, instruments and implements which may be in the ownership, possession, custody or control of the Hospital immediately before the appointed day and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) Every deed of gift, endowment, bequest or trust or other documents relating to any property and assets referred to in clause (b) of section 2 or sub-section (1) of this section shall be construed as if it were made or executed in favour of the State Government.

(3) Properties which vest in the State Government under this Act shall, by virtue of the vesting, be freed and discharged from any trusts, obligations, mortgages, charges and other encumbrances affecting them, and any attachment, injunction or any decree order of any court restricting the use of any such property in any manner shall be deemed to have been withdrawn.

(4) Any contract, whether express or implied, or any arrangement, whether under any statute or otherwise, or any order made by any court, in so far as it creates any encumbrance or any liability in relation to the Hospital or any part of it shall be deemed to have terminated on the appointed day.

(5) Every person in whose possession or custody or control the Hospital or any part of it may be immediately before the appointed day shall, on the appointed day, deliver possession of the Hospital or part thereof to the State Government or to such person or authority as may be specified by the State Government in this behalf.

(6) Every person, who has in his possession or control any book, document or other papers relating to the Hospital or any part of it, shall be liable to account for the said book, document or other papers to the State Government or to such person as the State Government may appoint in this behalf.

(7) Subject to the provisions of sub-section (4), if on the appointed day any suit, appeal or other proceeding of whatever nature by or against the Hospital is pending, the same shall be continued, proceeded with or enforced by or against the Hospital.

(8) The liabilities of the Hospital shall, on and from the appointed day, be met by the State Government in such manner as may be prescribed.

(9) The State Government may take, or cause to be taken, all necessary steps for securing the possession of the Hospital which has vested in it under this Act.

5. *Payment of compensation.*—(1) For the transfer to, and vesting in, the State Government of the Hospital under section 3, the compensation payable by the State Government for the lands and buildings shall be such as may be determined by the Competent Authority referred to in sub-section (3) of this section applying *mutatis mutandis* the provisions of the Land Acquisition Act, 1894 (1 of 1984) subject to the deduction of all liabilities relating to the lands and buildings and subject further to the condition that in respect of the lands and buildings which the Medical Aids Society of Bengal or its promoters received as gifts or donations or for permissive use from the original owners thereof, the compensation shall be determined and payable in accordance with the terms, conditions and stipulations made by the original owners thereof and subject to the deduction of all grants and contributions made by the State Government to the said Medical Aids Society of Bengal prior to the appointed day.

(2) The compensation payable by the State Government for all other assets excepting the lands and buildings as provided in sub-section (1) shall be the market value thereof determined by the Competent Authority referred to in sub-section (3) of this section after deduction of all grants and donations made by the State Government to the said Medical Aids Society of Bengal prior to the appointed day.

(3) The Land Acquisition Collector, 24-Parganas, shall be the Competent Authority for the purpose of this Act.

(4) Any person aggrieved by the award of the Competent Authority may appeal to the Appellate Authority within thirty days from the date of the award and the District Judge, 24-Parganas, shall be the Appellate Authority for this purpose.

(5) The State Government shall, as soon as possible after the date of the award made by the Competent Authority or as the case may be, the date of the order of the Appellate Authority in the case of an appeal, pay to the persons found entitled the amount of compensation determined under this section.

(6) The amount of compensation determined under this section shall carry interest at the rate of six per cent per annum with effect from the appointed day till the date of payment of compensation.

6. *Management of the Hospital.*—The Hospital which has vested in the State Government under this Act shall be managed on behalf of the State Government by such person or authority as may be appointed by the State Government in this behalf in accordance with such rules as may be made the State Government.

7. *Protection from acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or an officer or other employee serving in connection with the affairs of the Hospital for the anything which is in good faith done or intended to be under this Act.

8. *Employment of certain employees to continue.*—(1) Notwithstanding anything contained in sub-section (4) of section 4, every person (not

being a part-time or over-aged employee) employed in connection with the affairs of the Hospital, who has been in such employment immediately before the appointed day shall become on and from the appointed day an employee of the State Government and shall hold office or service with such remuneration and on such terms and conditions as may be determined by the State Government.

Provided that any employee not being satisfied with the remuneration or terms and conditions of employment determined by the State Government may terminate his employment by giving three months' notice to the State Government to that effect:

Provided further that an employee shall be entitled to exercise option to retain the same rights to contributory provident fund as would have been admissible to him had not this Act been passed.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law in force for the time being, the alteration in the terms and conditions of employment of an employee or the transfer of his service from the Hospital to any other post shall not entitle him to any compensation under this Act or any other law in force for the time being and no claim for such compensation shall be entertained by any court, tribunal or other authority.

(3) The remuneration and the terms and conditions of employment referred to in sub-section (1) shall be finally determined by the State Government within three months from the appointed day.

9 *Act to override other laws.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any instrument or in any decree or order of any court or other authority.

10. *Penalty* —(1) Any person who—

(a) having in his possession or custody or control any property forming part of the Hospital, wrongfully withholds such property from the State Government, or

(b) wrongfully obtains possession of any property forming part of the Hospital which has vested in the State Government, or

(c) wilfully withholds or fails to furnish to the State Government any document relating to the Hospital which may be in his possession, custody or control, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both :

Provided that the court trying any offence under this section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court, any property wrongfully withheld or obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the State Government or of an officer authorised by the State Government in this behalf.

11. *Delegation of powers.*—The State Government may, by notification, direct that all or any of the powers exercisable by it under this

Act (except the power to make rules) may also be exercised by such other person or authority as may be specified in the notification.

12. *Power to make rules.*—(1) The State Government may, by notification, make rules (not inconsistent with the provisions of this Act) for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the matters which may be, or are required to be, prescribed or made by rules.

13. *Repeal and saving.*—(1) The Upendra Nath Mukherjee Memorial Hospital Acquisition Ordinance, 1982, (West Ben. Ord. XXIII of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.

THE RAMRIKDas HARALALKA HOSPITAL ACQUISITION ACT, 1982

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, No. 502, dated October 12, 1982.

WEST BENGAL ACT XVII OF 1982

An Act to provide for the acquisition of the Hospital known as the Ramrikdas Haralalka Hospital, Calcutta.

Whereas it is expedient to provide for the acquisition of the Hospital known as the Ramrikdas Haralalka Hospital, Calcutta, for its better management and maintenance in the public interest and for matters connected therewith or incidental thereto ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Ramrikdas Haralalka Hospital Acquisition Act, 1982.

(2) It shall be deemed to have come into force on the 27th day of August, 1982.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 27th day of August, 1982 ;

(b) “the Hospital” means the Ramrikdas Haralalka Hospital, Calcutta, together with the indoor beds and provisions for outdoor services and dispensaries attached thereto and used in connection therewith and includes all lands and buildings, equipments, stores, drugs and other articles used in connection therewith as accessories to or adjuncts of the said Ramrikdas Haralalka Hospital, Calcutta, run under the auspices of the “Presidency Medical Education Society”, a society registered under the Societies Registration Act, 1860 (21 of 1860) ;

(c) “notification” means a notification published in the Official Gazette.

(d) “prescribed” means prescribed by rules made under this Act.

3. *Hospital to vest in the State Government.*—On and from the appointed day the Hospital shall, by virtue of this Act, be transferred to, and vest in, the State Government.

4. *General effect of vesting.*—(1) The Hospital shall be deemed to include all rights, powers, authorities and privileges related to, and

properties movable or immovable, cash balances, reserve fund and other assets of the Hospital including lands, buildings, works, machinery, furniture, plants, laboratories, dispensaries, apparatus, tools, instruments and implements which may be in the ownership, possession, custody or control of the Hospital immediately before the appointed day and all books of accounts, registers and all other documents of whatever nature relating thereto.

(2) Every deed of gift, endowment, bequest or trust or other documents relating to any property and assets referred to in clause (b) of section 2 or sub-section (1) of this section shall be construed as if it were made or executed in favour of the State Government.

(3) Properties which vest in the State Government under this Act shall, by virtue of the vesting, be freed and discharged from any trusts, obligations, mortgages, charges and other encumbrances affecting them, and any attachment, injunction or any decree or order of any court restricting the use of any such property in any manner shall be deemed to have been withdrawn.

(4) Any contract, whether express or implied, or any arrangement, whether under any statute or otherwise, or any order made by any court, in so far as it creates any encumbrance or any liability in relation to the Hospital or any part of it shall be deemed to have terminated on the appointed day.

(5) Every person in whose possession or custody or control the Hospital or any part of it may be immediately before the appointed day shall, on the appointed day, deliver possession of the Hospital or part thereof to the State Government or to such person or authority as may be specified by the State Government in this behalf.

(6) Every person, who has in his possession or control any book, document or other papers relating to the Hospital or any part of it, shall be liable to account for the said book, document or other papers to the State Government or to such person as the State Government may appoint in this behalf.

(7) Subject to the provisions of sub-section (4), if on the appointed day any suit, appeal or other proceeding of whatever nature by or against the Hospital is pending, the same shall be continued with or enforced by or against the Hospital.

(8) The liabilities of the Hospital shall, on and from the appointed day, be met by the State Government in such manner as may be prescribed.

(9) The State Government may take, or cause to be taken, all necessary steps for securing the possession of the Hospital which has vested in it under this Act.

5. *Payment of compensation.*—(1) For the transfer to, and vesting in, the State Government of the Hospital under section 3, the compensation payable by the State Government for the lands and buildings shall be such as may be determined by the Competent Authority referred to in sub-section (3) of this section applying *mutatis mutandis* the provisions of the Land Acquisition Act, 1894 (1 of 1894),

subject to the deduction of all liabilities relating to the lands and buildings and subject further to the condition that in respect of the lands and buildings which the Presidency Medical Education Society or its promoters received as gifts or donations or for permissive use from the original owners thereof, the compensation shall be determined and payable in accordance with the terms, conditions and stipulations made by the original owners thereof and subject to the deduction of all grants and contributions made by the State Government to the said Presidency Medical Education Society prior to the appointed day.

(2) The compensation payable by the State Government for all other assets excepting the lands and buildings as provided in sub-section (1) shall be the market value thereof determined by the Competent Authority referred to in sub-section (3) of this section after deduction of all grants and donations made by the State Government to the said Presidency Medical Education Society prior to the appointed day.

(3) The Land Acquisition Collector, 24-Parganas, shall be the Competent Authority for the purposes of this Act.

(4) Any person aggrieved by the award of the Competent Authority may appeal to the Appellate Authority within thirty days from the date of the award and the District Judge, 24-Parganas, shall be the Appellate Authority for this purpose.

(5) The State Government shall, as soon as possible after the date of the award made by the Competent Authority, or as the case may be, the date of the order of the Appellate Authority in the case of an appeal, pay to the persons found entitled the amount of compensation determined under this section.

(6) The amount of compensation determined under this section shall carry interest at the rate of six per cent, per annum with effect from the appointed day till the date of payment of compensation.

6. *Management of the Hospital.*—The Hospital which has vested in the State Government under this Act shall be managed on behalf of the State Government by such person or authority as may be appointed by the State Government in this behalf in accordance with such rules as may be made by the State Government.

7. *Protection from acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or an officer or other employee serving in connection with the affairs of the Hospital for anything which is in good faith done or intended to be done under this Act.

8. *Employment of certain employees to continue*—(1) Notwithstanding anything contained in sub-section (4) of section 4, every person (not being a part-time or overaged employee) employed in connection with the affairs of the Hospital, who has been in such employment immediately before the appointed day shall become on and from the appointed day an employee of the State Government and shall hold office or service with such remuneration and on such terms and conditions, as may be determined by the State Government :

Provided that any employee not being satisfied with the remuneration or terms and conditions of employment determined by the State Government may terminate his employment by giving three months' notice to the State Government to that effect :

Provided further that an employee shall be entitled to exercise option to retain the same rights to contributory provident fund as would have been admissible to him had not this Act been passed.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law in force for the time being, the alteration in the terms and conditions of employment of an employee or the transfer of his service from the Hospital to any other post shall not entitle him to any compensation under this Act or any other law in force for the time being and no claim for such compensation shall be entertained by any court, tribunal or other authority.

(3) The remuneration and the terms and conditions of employment referred to in sub-section (1) shall be finally determined by the State Government within three months from the appointed day.

9. *Act to override other laws.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any instrument or in any decree or order of any court or other authority.

10. *Penalty.*—(1) Any person who—

(a) having in his possession or custody or control any property forming part of the Hospital, wrongfully withholds such property from the State Government ; or

(b) wrongfully obtains possession of any property forming part of the Hospital which has vested in the State Government ; or

(c) wilfully withholds or fails to furnish to the State Government any document relating to the Hospital which may be in his possession, custody control ;

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both :

Provided that the court trying any offence under this section may, at the time of convicting the accused person, order him to deliver up or refund, within a time to be fixed by the court, any property wrongfully withheld or obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the State Government or of an officer authorised by the State Government in this behalf.

11. *Delegation of powers.*—The State Government may, by notification, direct that all or any of the powers exercisable by it under this Act (except the power to make rules) may also be exercised by such other person or authority as may be specified in the notification.

12. *Power to make rules.*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be, or are required to be, prescribed or made by rules.

13. *Repeal and saving.*—(1) The Ramrikdas Haralaka Hospital Acquisition Ordinance, 1982 (West Ben. Ord. XXII of 1982.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.

**THE WEST BENGAL BOARD OF SECONDARY EDUCATION
(AMENDMENT) ORDINANCE, 1982.**

Published in the Calcutta Gazette, Extraordinary Part III-A, No. 340
dated August 5, 1982.

WEST BENGAL ORDINANCE NO. XIX OF 1982

Whereas it is expedient to amend the West Bengal Board of Secondary Education Act, 1963, (West Bengal Act V of 1963) for the purposes and in the manner herein after appearing ;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the **West Bengal Board of Secondary Education (Amendment) Ordinance, 1982.**

(2) This section and clause (1), item (i) of sub-clause (b) and item (ii) of sub-clause (d) of clause (2), of section 2, clause (1) of section 3 and sections 4 and 5 shall come into force at once ; and the remaining provisions of this Ordinance shall be deemed to have come into force on the 2nd day of November, 1979.

2. *Amendment of section 19A of West Ben. Act V of 1963.*—In section 19A of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—

(1) in sub-section (1), after clause (a), the following clause shall be inserted :—

“(aa) the President, West Bengal Council of Higher Secondary Education, *ex officio* ;” ;

(2) in sub-section (3),—

(a) for the words “It shall be the duty of the Executive Committee”, the words “Subject to any general or special orders of the State Government, the provisions of this Act and any rules or regulations made thereunder, the Executive Committee shall have the power” shall be substituted ;

(b) in clause (c),—

(i) for the words “subject to any orders”, the words “subject to any directions” shall be substituted ;

(ii) in sub-clause (ii), the words “and in accordance with such regulations as may be made by the Board in this behalf” shall be omitted ;

(c) in sub-clause (iii) of clause (d), the words, “in accordance with such regulations as may be made by the Board in this behalf” shall be omitted ;

(d) in clause (e),—

(i) in sub-clause (iii), the words “in accordance with such regulations as may be made by the Board” shall be omitted ;

(ii) in sub-clause (iv), after the word “Administrator”, the words “or *ad hoc* committee” shall be inserted ;

(e) for clause (g), the following clause shall be substituted :—

“(g) provide, after considering the recommendations, if any, of the Syllabus Committee, the syllabus, the courses of studies to be followed and the books to be studied in recognised institutions and for examinations instituted by the Board;”;

(f) in clause (j), for the words “make by-laws regarding”, the words “set down” shall be substituted;

(g) for clause (k), the following clause shall be substituted :—

“(k) provide, after considering the recommendations, if any of the Examinations Committee and the Regional Councils and with the approval of the State Government, the rates of remuneration to be paid to paper-setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with the examinations instituted by the Board and the rates of fees to be paid by candidates for such examinations;”

(h) in sub-clause (ii) of clause (l), for the words “in accordance with such by-laws as may be made by it in this behalf”, the words “stating the reasons of such refusal or withdrawal,” shall be substituted;

(3) in sub-section (4), for the words “quarterly reports”, the words “half-yearly reports” shall be substituted;

(4) for sub-section (5), the following sub-section shall be substituted :—

“(5) The Executive Committee shall have the power to make by-laws, not inconsistent with this Act or the rules or the regulations made thereunder for discharging its functions under this Act.”

3. *Amendment of section 20.*—In section 20 of the principal Act,—

(1) in sub-section (1), after clause (a), the following clause shall be inserted :—

“(aa) the President, West Bengal Council of Higher Secondary Education, ex officio;”;

(2) in sub-section (3),—

(a) in clause (a), after the word “advise”, the words, “by way of recommendation,” shall be inserted;

(b) in clause (b), after the word “advise,”, the words, “by way of recommendation,” shall be inserted.

4. *Amendment of section 22.*—In section 22 of the principal Act,—

(1) for clause (b) of sub-section (1), the following clause shall be substituted :—

“(b) a person, who is or has been a member of the judicial service of the State Government, nominated by the State Government;”;

(2) after sub-section (4), the following sub-section shall be inserted :—

“(5) The honorarium or remuneration, if any, of the member nominated under clause (b) of sub-section (1) may be fixed by the State Government by an order made in this behalf.”

5. *Amendment of section 25.*—For section 25 of the principal Act, the following section shall be substituted :—

“25. *Regional Council.*—(1) The Board may, with the approval of the State Government, constitute such regional Council or Councils as it may deem fit. The number, composition and territorial jurisdiction of a Regional Council shall be determined by the Board with the approval of the State Government.

(2) The Board may, with the approval of the State Government, delegate to a Regional Council such powers or duties of the Board, the Executive Committee or the Examinations Committee, conferred or imposed by or under this Act, except those referred to in clause (b) of sub-section (3), clause (b) of sub-section (4), and sub-section (5), of section 21, as it may deem fit, and may at any time withdraw from such Regional Council the powers or duties so delegated and dissolve the Regional Council.”

6. *Amendment of section 26.*—In section 26 of the principal Act, in sub-section (2), for the words “provided by regulations made in this behalf” the words “specified by the Board.” shall be substituted.

7. *Amendment of section 27.*—In section 27 of the principal Act, in sub-section (2),—

(1) clause (c) shall be omitted;

(2) in clause (d), the words, letters figures and brackets “excepting in respect of matters specified in clauses (j), (k), and (l) of sub-section (3) of section 19A” shall be omitted.

8. *Amendment of section 22.*—In section 52 of the principal Act,—

(1) In sub-section (3),—

(a) the words “rules are made by the State Government for” shall be omitted;

(b) after the words and figure “referred to in section 4”, the words “is held” shall be inserted ;

(2) for sub-section (4), the following sub-section shall be substituted :—

“(4) (i) Members appointed under sub-section (2) shall hold office until nomination of members under section 4 is made;

(ii) members appointed under sub-section (3) shall hold office until election of members referred to in section 4 is held and the result of such election is published in the Official Gazette in this behalf.”

B. D. PANDE,

Governor of West Bengal

The 2nd August, 1982.

THE CANALS (WEST BENGAL AMENDMENT) ACT, 1981

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part IV, dated February, 5, 1983.

WEST BENGAL ACT XLVIII OF 1981.

An Act to amend the Canals Act, 1864, in its application to West Bengal.

Whereas it is expedient to amend the Canals Act, 1864, (Ben. Act V of 1864.) in its application to West Bengal, for the purposes and in the manner herein after appearing ;

It is hereby enacted in the Thirty-second Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Canals (West Bengal Amendment) Act, 1981.

2. *Application of the Act.*—The Canals Act, 1864 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Amendment of section 1 of Ben. Act V of 1864.*—In section 1 of the principal Act,—

(i) for the expression “channel”, the following expression shall be substituted :—

“the word “channel” shall mean any river, canal, khal, nala, or waterway, whether natural or artificial, running or derelict, open or closed, navigable or otherwise, and shall include any part of its bed, slopes, berms, banks and any adjoining land owned by, or vested in, the State, and any construction or structure thereon ;”

(ii) after the expression “channel”, the following expression shall be inserted :—

“the word “Engineer” shall mean the Engineer in charge of any canal or channel or any other Engineer specially appointed by the State Government to perform the functions of an Engineer under this Act;”

4. *Insertion of new sections 15A and 15B.*—After section 15 of the principal Act, the following sections shall be inserted :—

“15A. *Removal of encroachments.*—Notwithstanding anything contained in this Act, the Engineer or the supervisor or any other person duly authorised by the Engineer or the supervisor, as the case may be, in this behalf may remove, dismantle or demolish any embankment, fishery, fishing contrivance, huts, buildings, sluices, obstructions, encroachments or any other construction which, in the opinion of the Engineer or the supervisor, as the case may be, is likely to interfere with, counteract or impede any canal, channel or line of navigation in any manner.

15B. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against the Engineer or the supervisor or any other person authorised in that behalf by the Engineer or the supervisor, as the case may be, for anything which is in good faith done or intended to be done under this Act.”

5. *Substitution of new section for section 16.*—For section 16 of the principal Act, the following section shall be substituted :—

“16. *Penalty for causing encroachments in channels and obstructions to line of navigation.*—Any person who shall wilfully cause or shall aid in causing any encroachment or obstruction in any channel or line of navigation or who shall wilfully omit to remove such encroachment or obstruction after being lawfully required to do so shall, on conviction before a Magistrate, be punished with imprisonment of either description for a term not exceeding three years or with fine not exceeding one thousand rupees, or with both.”

6. *Amendment of section 18A.*—In section 18 of the principal Act, for the words “line of navigation” wherever they occur, the words “canal, channel or line of navigation” shall be substituted.

7. *Insertion of new section 18A.*—After section 18 of the principal Act, the following section shall be inserted :—

“81A. *Offences to be cognizable and non-bailable.*—Notwithstanding anything contained in any other law for the time being in force, an offence punishable under section 16 shall be cognizable and non-bailable.”.

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF VACANCIES IN SERVICES AND POSTS) (AMENDMENT) ORDINANCE, 1982,

Published in the Calcutta Gazette, Extraordinary Part IIIA, No. 49, dated February 5, 1982.

WEST BENGAL ORDINANCE NO. III OF 1982

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1970 (West Ben. Act XXVII of 1976.) for the purpose and in the manner hereinafter appearing ;

AND WHEREAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance :—

1. *Short title.*—This Ordinance may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1982.

2. *Amendment of section 5 of West Ben. Act XXVII of 1976.*—In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for clause (b), the following clause shall be substituted :—

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 2375;”

B. D. PANDE,
Governor of West Bengal.

The 1st February, 1982.

THE WEST BENGAL MOTOR VEHICLES TAX (AMENDMENT) ACT 1982

The following Act of the West Bengal Legislature having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, dated February 22, 1983.

WEST BENGAL ACT NO. XXIV OF 1982

An Act to amend the West Bengal Motor Vehicles Tax Act, 1979.

WHEREAS it is expedient to amend the West Bengal Motor Vehicles Tax Act, 1979, (West Ben. Act IX of 1979.) for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-Third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **West Bengal Motor Vehicles Tax (Amendment) Act, 1982**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new section 5A in West Ben. Act IX of 1979.* In the West Bengal Motor Vehicles Tax Act, 1979, after section 5, the following section shall be inserted ;—

“5A. *Special provision regarding contract carriage.*—(1) Every person who is liable to pay under this Act tax in respect of a contract carriage plying on a specified route shall, at the time of paying the tax to the Taxing Officer, furnish a ‘no objection certificate’ from the person with whom the registered owner of the contract carriage has entered into a hire-purchase agreement (such person being hereinafter in this section referred to as the financier).

(2) The provisions of sub-sections (5A) to (5D) of section 31A of the Motor Vehicles Act, 1939 (4 of 1939.) shall apply, *mutatis mutandis*, to every ‘no objection certificate from the financier.’”

THE WEST BENGAL CRIMINAL LAW AMENDMENT (SPECIAL- COURTS) AMENDING ACT, 1982

The following Act of the West Bengal Legislature having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, dated February 24, 1983.

WEST BENGAL ACT No XXV of 1982

An Act to Amend the West Bengal Criminal Law Amendment (Special Courts) Act, 1949.

Whereas it is expedient to amend the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (West Ben Act XXI of 1949), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **West Bengal Criminal Law Amendment (Special Courts) Amending Act, 1982.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Substitution of new section for section 2 of West Ben. Act XXI of 1949.*—For section 2 of the West Bengal Criminal Law Amendment (Special Courts) Act, 1949 (hereinafter referred to as the principal Act), the following section shall be substituted :—

“2. *Special Courts.*—(1) The State Government may, by notification in the Official Gazette, constitute as many Special Courts as may be specified in the notification.

(2) The State Government shall appoint, as a Judge to preside over a Special Court, any person who—

(a) is or has been, or is qualified under clause (2) of article 217 of the Constitution of India for appointment, as a Judge of a High Court, or

(b) has, for a period of not less than one year, been a Sessions Judge or an Additional Session Judge.

(c) Every Special Court shall have jurisdiction over the particular area for which it has been constituted and shall sit at such place or places as the State Government may, by notification in the Official Gazette, specify in this behalf."

3 *Substitution of new section for section 4.*—For section 4 of the principal Act, the following section shall be substituted :—

"4. *Offences to be tried by Special Courts.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974 or in any other law in force, the offences specified in the Schedule shall be triable by Special Courts only :

Provided that when trying a case, a special Court may also try offence other than the offence specified in the Schedule, with which the accused may under the Code of Criminal Procedure, 1973, be charged at the same trial :

Provided further that every offence specified in the Schedule shall be tried by the Special Court constituted for the particular area within which the offence was committed, and where there are more than one Special Court constituted for any particular area by such one of them as may be specified by the State Government by notification in the Official Gazette."

4. *Substitution of new section for section 5.*—For section 5 of the principal Act, the following section shall be substituted :—

"5. *Procedure and powers of Special Courts.*—(1) A Special Court may take cognizance of offences in the manner laid down in clauses (a) and (b) of sub-section (1) of section 120 of the Code of Criminal Procedure, 1973, (2 of 1974), without the accused being committed to this Court for trial, and in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1973, for the trial of warrant cases by Magistrates, instituted on a police report :

Provided that a Special Court shall not be bound to adjourn trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(2) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof; and any pardon so tendered shall, for the purposes of section 308 of the Code of Criminal Procedure, 1973 (2 of 1974) be deemed to have been tendered under section 307 of that Code:

(3) Save as provided in sub-section (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1973, shall in so far as they are not inconsistent with this Act, apply to the proceeding of a Special Court, and for the purposes of the said provisions, a Special Court shall be deemed to be a Court of Session trying cases without a

Jury, and a person conducting a prosecution before a Special Court shall be deemed to be a Public Prosecutor.

(4) A Special Court may pass any sentence authorised by law."

5. *Amendment of section 5A.*—In section 5A of the principal Act, for the words and figures "Code of Criminal Procedure, 1898" the words and figures "Code of Criminal Procedure, 1973 (2 of 1974)." shall be substituted.

6. *Substitution of new section for section 6.*—For section 6 of the principal Act, the following section shall be substituted :—

"6. *Appeal, revision and transfer.*—The High Court may exercise, so far as they may be applicable, all the powers conferred by Chapters XXIX, XXX and XXXI of the Code of Criminal Procedure, 1973 (2 of 1974) on a High Court as if a Special Court of Session trying cases without a Jury within the local limits of the jurisdiction of the High Court."

7. *Omission of section 7.*—Section 7 of the principal Act shall omitted.

8. *Amendment of section 13.*—In section 13 of the principal Act, after the figure "8", the figure and letter "8A", shall be inserted.

9. *Amendment of the Schedule*—In the Schedule to the principal Act, for the brackets, words and figures "[See section 4(2)]" the brackets, words and figure "[See section 4]" shall be substituted.

10. *Savings.*—The provisions of this Act shall not apply to any proceedings pending before any Special Court on the date of coming into force of this Act and the provisions of the principal Act, as they stood before the date of coming into force of this Act, shall continue to apply to such pending proceedings as if this Act had not been passed.

THE INDIAN ELECTRICITY (WEST BENGAL AMENDMENT) ACT, 1982

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the Calcutta Gazette, Extraordinary, Part III, dated February 24, 1983

WEST BENGAL ACT XXVI of 1982

An Act to amend the Indian Electricity Act, 1910, in its application to West Bengal.

Whereas it is expedient to amend the Indian Electricity Act, 1910, (9 of 1910.) in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the Indian Electricity (West Bengal Amendment) Act, 1982.

2. *Application of the Act.*—The Indian Electricity Act 1910 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. *Amendment of section 42 of Act 9 of 1910.*—Section 42 of the principal Act shall be renumbered as sub-section (1) of that section and—

(1) in clause (e) of sub section (1) as so renumbered, the words, figures and letter "section 22B or" shall be omitted ;

(2) after sub-section (1) as so renumbered, the following sub-section shall be inserted :—

"(2) Whoever makes default in complying with any order issued to him under section 22B shall be punishable with imprisonment which may extend to six months, and, in the case of any subsequent default may extend to one year."

THE CALCUTTA TRAMWAYS (AMENDMENT) ACT, 1983

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, dated March 10, 1983

WEST BENGAL ACT I OF 1983

An Act to amend the Calcutta Tramways Act, 1880.

Whereas it is expedient to amend the Calcutta Tramways Act, 1880, (Ben. Act I of 1880.) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by Legislature of West Bengal, as follows :—

1. *Short title*—This Act may be called the **Calcutta Tramways (Amendment) Act, 1983**.

2. *Amendment of section 9 of Ben. Act I of 1880*.—In section 9 of the Calcutta Tramways Act, 1880, the proviso shall be omitted.

THE WEST BENGAL PANCHAYAT (AMENDMENT) ACT, 1983

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, dated March 23, 1983.

WEST BENGAL ACT II OF 1983

An Act to amend the West Bengal Panchayat Act, 1973.

Whereas it is expedient to amend the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973) for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement*.—(1) This Act may be called the **West Bengal Panchayat (Amendment) Act, 1983**.

(2) It shall be deemed to have come into force on the 19th day of January, 1983.

2. *Amendment of section 2 of West Ben. Act XLI of 1973*.—In section 2 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the principal Act), for clause (10), the following clause shall be substituted :—

"(10) "Gram" means an area referred to in section 3 ;".

3. *Amendment of section 3*.—In section 3 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added:—

"Provided that any group of mauzas or parts thereof, when they are not contiguous or have no common boundaries and are separated by

an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force, may also be declared to be a Gram”;

(b) in sub-section (3), for clause (b), the following clause shall be substituted :—

“(b) include in any Gram any area contiguous to such Gram or separated by an area to which this Act does not extend or in which the remaining section of this Act referred to in sub-section (3) of section 1 have not come into force; or”.

4. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) in sub-section (2) for the words “not being less than seven” the words “not being less than five” shall be substituted;

(b) in sub-section (3),—

(i) in clause (a), the words “not being less than three or more than fourteen,” shall be omitted;

(ii) in clause (b), for the words “not exceeding three” the words “not exceeding two” shall be substituted;

(c) sub-section (3A) shall be omitted.

5. *Amendment of section 5.*—In section 5 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted:—

“(3) When the area of any Gram is divided under clause (c) of sub-section (3) of section 3 so as to constitute two or more Grams, there shall be reconstitution of the Gram Panchayats for the newly constituted Grams in accordance with the provisions of this Act, and the Gram Panchayat of the Gram so divided shall, as from the date of coming into office of the newly constituted Gram Panchayats, cease to exist”;

(b) for sub-section (4), the following sub-section shall be substituted :—

“(4) When the areas of two or more Grams are united under clause (d) of sub-section (3) of section 3 so as to constitute a single Gram, there shall be reconstitution of the Gram Panchayat for the newly constituted Gram in accordance with the provisions of this Act, and the Gram Panchayats so united shall, as from the date of coming into office of the newly constituted Gram Panchayat, cease to exist”.

6. *Amendment of section 93.*—In section 93 of the principal Act,—

(a) to sub-section (1) the following proviso shall be added:—

“Provided that a Block may comprise such Grams as are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force”;

(b) in sub-section (3), for clause (b), the following clause shall be substituted:—

“(b) include in any Block any Gram contiguous to such Block or separated by an area to which this Act does not extend or in which the

remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force ; or”.

7. *Amendment of section 94* —In sub-section (2) of section 94 of the principal Act, in clause (ii), after the words “the Gram being divided”, the words “by the prescribed authority” shall be inserted.

8. *Amendment of section 95*.—In section 95 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted :—

“(3) When the area of any Block is divided under clause (c) of sub-section (3) of section 93 so as to constitute two or more Blocks, there shall be reconstitution of the Panchayat Samitis for the newly constituted Blocks in accordance with the provisions of this Act, and the Panchayat Samiti of the Block so divided shall, as from the date of coming into office of the newly constituted Panchayat Samitis, cease to exist.”;

(b) for sub-section (4), the following sub-section shall be substituted :—

“(4) When the areas of two or more Blocks are united under clause (d) of sub-section (3) of section 93 so as to constitute a single Block, there shall be reconstitution of the Panchayat Samitis for the newly constituted Block in accordance with the provisions of this Act, and the Panchayat Samitis of the Blocks so united shall, as from the date of coming into office of the newly constituted Panchayat Samiti, cease to exist.”-

9. *Amendment of section 140*.—In section 140 of the principal Act, in sub-section (5), for the words “the Zilla Parishad of the district shall, as from the date of such division, cease to exist and there shall be reconstitution of the Zilla Parishad for the newly constituted districts in accordance with the provisions of this Act,” the words “there shall be reconstitution of the Zilla Parishads for the newly constituted districts in accordance with the provisions of this Act and the Zilla Parishad of the district so divided shall, as from the date of coming into office of the newly constituted Zilla Parishads, cease to exist,” shall be substituted.

10. *Amendment of section 203* —In section 203 of the principal Act, in sub-section (5), for the words “immediately after the election”, the words “immediately after the poll” shall be substituted.

11. *Repeal and saving*.—(1) The West Bengal Panchayat (Amendment) Ordinance, 1983 (West Ben. Ord. I of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal Panchayat (Amendment) Ordinance, 1983 shall be deemed to have been validity done or taken under the principal Act as amended by this Act.

THE WEST BENGAL LEGISLATURE (REMOVAL OF DISQUALIFICATIONS) (AMENDMENT) ACT, 1983

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, dated March 23, 1983.

WEST BENGAL ACT III OF 1983

An Act to amend the West Bengal Legislature (Removal of Disqualifications) Act, 1952.

Whereas it is expedient to amend the West Bengal Legislature (Removal of Disqualifications) Act, 1952 (West Ben. Act VI of 1958.), for the the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 21st day of January, 1983.

2. *Amendment of section 2 of West Ben. Act VI of 1952.*—In section 2 of the West Bengal Legislature (Removal of Disqualifications) Act, 1952 (hereinafter referred to as the principal Act), in clause (i),—

(a) in sub-clause (c), the word “or” shall be omitted ;

(b) after sub-clause (c), the following sub-clause shall be inserted :—

“(d) the office of chairman or member of a Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950.) if the holder of such office is not entitled to any remuneration other than compensatory allowance.

“*Explanation.*—For the purpose of this sub-clause, “compensatory allowance” shall mean any sum of money payable to the holder of the office as aforesaid by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a member of the West Bengal Legislative Assembly is entitled under the Bengal Legislative Assembly (Members Emoluments) Act 1937) (Ben. Act 11 of 1937.) any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office ; or”,

3. *Repeal and saving.*—(1) The West Bengal Legislature (Removal of Disqualifications) (Amendment) Ordinance, 1983, (West Ben. Ord. II of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal Legislature (Removal of Disqualifications) (Amendment) Ordinance, 1983 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE BENGAL ELECTRICITY DUTY (AMENDMENT) ACT, 1983

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, dated March 25, 1983.

WEST BENGAL ACT VII OF 1983

An Act to amend the Bengal Electricity Duty Act, 1935.

Whereas it is expedient to amend the Bengal Electricity Duty Act, 1935 (Ben. Act X of 1935) for the purpose and in the manner herein-after appearing ;

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Bengal Electricity Duty (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 1st day of January, 1983.

2. *Amendment of the First Schedule to Ben. Act X of 1935.*—In the First Schedule to the Bengal Electricity Duty Act, 1935 (hereinafter referred to as the principal Act), in Part C,—

(1) in article (1),—

(a) in clause (a), for the words and figures “where such common rate charged is less than 48 paise as net charge,”, the following words and figures shall be substituted:—

“where such common rate charged is for supply of energy for commercial purposes and is less than 65 paise as net charge, or for supply of energy for other than commercial purposes and is less than 48 paise as net charge,”;

(b) in clause (b), for the words and figures “where such common rate charged is 48 paise or more as net charge,”, the following words and figures shall be substituted :—

“where such common rate charged is for supply of energy for commercial purposes and is 65 paise or more as net charge, or for supply of energy for other than commercial purposes and is 48 paise or more as net charge,”;

(2) in article (2),—

(a) in clause (a), for the words and figures “where such common rate charged is less than 48 paise as net charge,”, the following words and figures shall be substituted:—

“where such common rate charged is for supply of energy for commercial purposes and is less than 65 paise as net charge, or for supply of energy for other than commercial purposes and is less than 48 paise as net charge,”;

(b) in clause (b), for the figures and words “where such common rate charged is 48 paise or more as net charge,”, the following words and figures shall be substituted:—

“where such common rate charged is for supply of energy for commercial purposes and is 65 paise or more as net charge, or for supply of energy for other than commercial purposes and is 48 paise or more as net charge,”.

3. *Repeal and saving.*—(1) The Bengal Electricity Duty (Amendment) Ordinance, 1982 (West Ben. Ord. XXVI of 1982), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Bengal Electricity Duty (Amendment) Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

**THE WEST BENGAL TAXATIONS LAWS (AMENDMENT) AND
REPEALING ACT, 1983.**

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary Part III, dated March 30, 1983

WEST BENGAL ACT VIII OF 1983.

An Act to amend the Bengal Amusements Tax Act, 1922, the Bengal Electricity Duty Act, 1935, the Bengal Finance (Sales Tax) Act, 1941, the West Bengal Sales Tax Act, 1954, the West Bengal Motor Spirit Sales Tax Act, 1974, the West Bengal Rural Employment and Production Act, 1976, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1947 and the West Bengal Multi-storeyed Building Tax Act, 1979, and to repeal the West Bengal Paddy Purchase Tax Act, 1970.

Whereas it is expedient to amend the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922.), the Bengal Electricity Duty Act, 1935 (Ben. Act, X of 1935), the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941.), the Bengal Raw Jute Taxation Act, 1941 (Ben. Act XI of 1941.), the West Bengal Sales Tax Act, 1954 (West Ben. Act XI of 1954.) the West Bengal Motor Spirit Sales Tax Act, 1974 (West Ben. Act XI of 1974.) the West Bengal Rural Employment and Production Act, 1976 (West Ben. Act XIV of 1976.), the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979 (West Ben. Act VI of 1979.), and the West Bengal Multi-storeyed Building Tax Act, 1979 (West Ben. Act XVII of 1979) (for the purposes and in the manner hereinafter appearing :

And whereas it is expedient to repeal the West Bengal Paddy Purchase Tax Act, 1970 (West Ben. Act XV of 1970).

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **West Bengal Taxation Laws (Amendment) and Repealing Act, 1983.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act

2. *Amendment of Ben. Act V of 1922*—In the Bengal Amusements Tax Act, 1922, in section 3,—

(1) in sub-section (3a), after the proviso to the Table, the following proviso shall be added :—

“Provided further that in the case of cinematograph exhibitions in Bengali or Nepali language, the rate of entertainments tax shall be three-fourths of the rates as shown above.” ;

(2) to sub-section (3aa), the following proviso shall be added :—

“Provided that in the case of cineatograph exhibitions in Bengali or Nepali language; the rate of additional surcharge for coloured films shall be three-fourths of the rates as aforesaid.”

3. *Amendment of Ben. Act X of 1935.*—In the Bengal Electricity Duty Act, 1935,—

(1) after section 3, the following section shall be inserted :—

“3A *Assessing Authority*.—The State Government may prescribe an authority or authorities to assess in the manner prescribed the electricity duly payable under this Act and the rules made thereunder.”;

(2) after section 7B, the following section shall be inserted :—

“7C. *Appeal*.—(1) Any person may in the prescribed manner appeal to the prescribed authority against any order of assessment of electricity duty or any other order passed under this Act or the rules made thereunder within sixty days or such further period as may be allowed by the prescribed authority for reasons shown to his satisfaction from the date of receipt of a notice of demand issued after such order of assessment or the date of communication of such other order, as the case may be :—

Provided that no appeal against an assessment of electricity duty shall be entertained by the prescribed authority unless he is satisfied that such amount of the electricity duty as the appellant may admit to be due from him has been paid.

(2) Subject to such rules of procedure as may be prescribed, the prescribed authority, in disposing of any appeal under sub-section (1), may—

(a) confirm, modify or annul the assessment of electricity duty or any other order, as the case may be ; or

(b) set aside the assessment of electricity duty or any other order, as the case may be, and direct the authority concerned to make a fresh assessment or pass a fresh order after such further inquiry as may be directed ”.

4 *Amendment of Ben Act VI of 1941*.—In the Bengal Finance (Sales Tax) Act, 1941,—

(1) in section 4, in sub-section (6), in clause (i), for the words “gold and fertilisers”, the words, letters and brackets “gold, rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*),” shall be substituted;

(2) in section 5,—

(a) in sub-section (1),—

(i) in clause (a), for the words “sales of gold;”, the words “sales of gold, rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum* L., *T. dicoccum*);” shall be substituted;

(ii) in clause (bbb), after sub-clause (iii), the following sub-clause shall be added :—

“(iv) mustard oil, rape oil and mixtures of mustard and rape oil;”;

(iii) in clause (c), for the words “sales of goods”, the words “sales of goods, other than rice and wheat,” shall be substituted;

(b) in sub-section (2),—

(i) in clause (a),—

(A) in sub-clause (ii), for the words “of goods referred to”, the words “of goods, other than rice and wheat, referred to” shall be substituted;

(B) after sub-clause (va), the following sub-clauses shall be inserted:—

(vb) sales of rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*) purchases whereof are shown to the satisfaction of the Commissioner to have been made from a registered dealer ;

(vc) sales of rice (*Oryza sativa* L.) procured out of paddy on which tax has been levied under the West Bengal Paddy Purchase Tax Act, 1970 (West Ben. Act XV of 1970) ;”;

(ii) in clause (b), in sub-clauses (ii) to (v), for the figure, letter and brackets “(va)”, wherever they occur, the figure, letter and brackets “(va), (vb), (vc)” shall be substituted ;

(c) in sub-section (3), for clause (b), the following clause shall be substituted :—

“(b) the aggregate of the following amounts, if any,—

(i) one per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of one per centum of the turnover;

(ii) two per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of two per centum of the turnover;

(iii) two and three-fourths per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of three per centum of the turnover;

(iv) three and three-fourths per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of four per centum of the turnover;

(v) ten and three-fourths per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at the rate of twelve per centum of the turnover;

(vi) seven and one-fourth per centum of the balance remaining after making the deduction allowed by clause (a) from that part of the turnover of the dealer which is taxable at rates other than one, two, three, four or twelve per centum of the turnover.”;

(d) in sub-section (6), in clause (b), for the words “two per centum”, the words “three per centum” shall be substituted ;

(3) in Schedule I,—

(a) in the entry in column 1 against item 1, for the words “bran thereof”, the words “bran thereof, but excluding rice (*Oryza sativa* L.) and wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*).” shall be substituted ;

(b) in the entry in column 1 against item 6, after the word “sak”, the words, “other than dry chillies” shall be inserted and shall be deemed always to have been inserted ;

(c) in the entry in column 1 against item 11, after the word “Milk”, the words “other than powdered or condensed milk.” shall be inserted and shall be deemed always to have been inserted ;

(d) item 43 and the entry relating thereto in column 1 shall be omitted ;

(4) in Schedule II,—

(a) for serial No. 19 and the entry relating thereto, the following serial No. and entry shall be substituted :—

“19. Articles, other than utensils, made wholly or principally of stainless steel.”—

(b) after serial No. 41 and the entry relating thereto, the following serial No. and entry shall be added :—

“42. Footwears of all descriptions, when sold at a price exceeding fifty rupees per pair.”.

5. *Amendment of Ben. Act XI of 1941.*—In the Bengal Raw Jute Taxation Act, 1941, after section 9A, the following section shall be inserted :—

“9B. *Special mode of recovery.*—(1) Notwithstanding the issue of a requisition under sub-section (3) of section 9 for realisation of tax or penalty as an arrear of land revenue, the authority referred to in clause (b) of section 6 or clause (b) of section 7 may, at any time or from time to time, by notice in the prescribed form, require any person from whom money is due or may become due to the defaulting occupier of a jute-mill or shipper of jute or any person who holds or may subsequently hold money for or on account of such defaulting occupier or shipper of jute to deposit in the Treasury or the Reserve Bank of India under the appropriate head of account either forthwith upon the money becoming due or being held or at or within the time specified in the aforesaid notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the said occupier or shipper of jute in respect of arrears or the whole of money when it is equal to the arrears or less than the amount of arrears

(2) A notice under this section may be issued to any person who holds or may subsequently hold any money for or on account of the defaulting occupier of a jute-mill or shipper of jute jointly with any other person and for the purposes of this section, the shares of the joint holder in such account shall be presumed, until the contrary is proved, to be equal.

(3) A copy of the notice shall be forwarded to the defaulting occupier of a jute-mill or shipper of jute at his last address known to the authority referred to in sub-section (1) and, in the case of a joint account, to all the joint holders at their last addresses known to such authority.

(4) Save as otherwise provided in this section, every person to whom a notice is issued under this section shall be bound to comply with such notice and, in particular, where any such notice is issued to a post-office, banking company or insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary.

(5) Any claim respecting any property in relation to which a notice under this section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(6) Where a person to whom a notice under this section is sent proves to the satisfaction of the authority referred to in sub-section (1) that the sum demanded or any part thereof is not due to the defaulting occupier of a jute-mill or shipper of jute or that he does not hold any money for or on account of such occupier or shipper of jute or that the money demanded or any part thereof is not likely to be due to the said occupier or shipper of jute or to be held for or on account of such occupier or shipper of jute, nothing contained in this section shall be deemed to require such person to deposit any sum or part thereof, as the case may be.

(7) The authority referred to in sub-section (1) may, at any time or from time to time, amend or revoke any notice issued under this section or extend the time for depositing any sum demanded or part thereof.

(8) The Treasury or the Reserve Bank of India, as the case may be, shall grant a receipt for any amount deposited in compliance with a notice issued under this section and the person depositing the amount shall be fully discharged from his liability to the defaulting occupier of a jute-mill or shipper of jute to the extent of the amount so deposited.

(9) Any person discharging any liability to the defaulting occupier of a jute-mill or shipper of jute after receipt of a notice under this section shall be personally liable to the authority referred to in sub-section (1) to the extent of his own liability to such occupier or shipper of jute so discharged or to the extent of the occupier's or the shipper's liability for any sum due under this Act, whichever is less.

(10) If the person to whom any notice under this section is sent fails to make payment in pursuance thereof, he shall be deemed to be a defaulting occupier of a jute-mill or shipper of jute in respect of the amount specified in the notice and further proceedings may be started against him for the realisation of the amount as if it were an arrear due from him and the notice shall have the same effect as attachment of a debt.

(11) The authority referred to in sub-section (1) may apply to the court in whose custody there is money belonging to the defaulting occupier of a jute-mill or shipper of jute for payment to him of the entire amount of such money or, if it is more than the tax or penalty due, such amount of money as is sufficient to cover the tax or the penalty imposed :

Provided that any dues or property exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908), shall be exempt from any requisition under this section."

6. *Amendment of West Ben. Act IV of 1954.*—In the West Bengal Sales Tax Act, 1954, in section 4, in sub-section (3), in clause (a), for the words "two per centum", the words "three per centum" shall be substituted.

7. *Amendment of West Ben. Act XI of 1974.*—In section 4 of the West Bengal Motor Spirit Sales Tax Act, 1974, in the Table below sub-section (2),—

(a) in column 2 against item 2B, for the words "Six per centum", the words "Eight per centum" shall be substituted, and

(b) in the proviso to item 2B, for the words "one per centum", the words "two per centum" shall be substituted.

8. *Amendment of West Ben. Act XIV of 1976.*—In section 4 of the West Bengal Rural Employment and Production Act, 1976, in sub-section (2), in clause (b), for the words "rupees seven and fifty paise", the words "rupees fifteen" shall be substituted.

9. *Amendment of West Ben. Act VI of 1979.*—In the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, in the Schedule,—

(1) In serial No. 1.—

(a) in column 3 against item (iv), for the letters and figure "Rs 6", the letters and figure "Rs. 7" shall be substituted;

(b) in column 3 against item (v), for the letters and figures "Rs. 10", the letters and figures "Rs. 12" shall be substituted;

(c) in column 3 against item (vi), for the letters and figures "Rs. 15", the letters and figures "Rs. 18" shall be substituted;

(2) In Serial No. 2, in the proviso, for the letters, figures and words "Rs. 200 per annum," the letters, figures and words "Rs. 250 per annum," shall be substituted.

10. *Amendment of West Ben. Act XVII of 1979.*—In the West Bengal Multi-storeyed Building Tax Act, 1979, after section 10, the following section shall be inserted:—

"10A. *Other modes of recovery.*—Notwithstanding any action taken in pursuance of section 10, the Commissioner or any person appointed under sub-section (2) of section 4 may recover the tax or penalty by any one or more of the modes provided in this section.

(2) If any owner is in receipt of any income chargeable under the head "Salaries" under the Income-Tax Act, 1961 (43 of 1961) the Commissioner or any person appointed under sub-section (2) of section 4 may require any person paying the same to deduct from any payment subsequent to the date of such requisition any arrears of tax or penalty due from such owner, and such person shall comply with any such requisition and shall pay the sum so deducted into the Treasury or the Bank specified in the requisition to the credit of the State Government.

(3)(a) The Commissioner or any person appointed under sub-section (2) of section 4 may, at any time, or from time to time, by notice in writing, require any person, from whom money is due or may become due to the owner or any person who holds or may subsequently hold money for or on account of the owner to pay into the Treasury or the Bank specified in the notice to the credit of the State Government, either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the owner in respect of arrears or whole of the money when it is equal to or less than the amount due.

(b) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of

the owner jointly with any other person and for the purposes of this sub-section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(c) A copy of such notice shall be forwarded to the owner at his last address known to the Commissioner or any person appointed under sub-section (2) of section 4 and, in the case of a joint account, to all the joint holders at their last addresses known to the Commissioner or any person appointed under sub-section (2) of section 4.

(d) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice and, in particular, where any such notice is issued to a post-office, banking company or insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary.

(e) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of such notice shall be void as against any demand contained in the notice.

(4) Where a person to whom a requisition or notice under this section is sent proves to the satisfaction of the Commissioner or any person appointed under sub-section (2) of section 4, as the case may be, that the sum demanded or any part thereof is not due to the owner or that he does not hold any money for or on account of the owner or that the money demanded or any part thereof is not likely to be due to the owner or to be held for or on account of the owner, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be.

(5) The Commissioner or any person appointed under sub-section (2) of section 4 may, at any time or from time to time, amend or revoke any requisition or notice issued under this section or extend the time for making any payment in pursuance of such requisition or notice.

(6) A receipt shall be granted for any amount paid in compliance with a requisition or notice under this section, and the person paying the amount shall be fully discharged from his liability to the owner to the extent of the amount so paid.

(7) Any person discharging any liability to the owner after receipt of a requisition or notice under this section shall be personally liable to the Commissioner or any person appointed under sub-section (2) of section 4 to the extent of the owner's liability for any sum due under this Act or to the extent of his liability to the owner, whichever is less.

(8) Subject to the provisions of sub-section (4), if a person to whom a requisition or notice under this section is sent fails to make payment in pursuance thereof, he shall be deemed to be an owner in default in respect of the amount specified in the requisition or the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear of tax or penalty due from him in the manner provided in section 10

(9) The Commissioner or any person appointed under sub-section (2) of section 4 may apply to the court in whose custody there is money belonging to the owner for payment to him of the entire amount of such money or, if it is more than the tax or penalty due, an amount sufficient to discharge the tax or the penalty:

Provided that any dues or property exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908) shall be exempt from any requisition or notice made under this section.

11. *Repeal and savings.*—The West Bengal Paddy Purchase Tax Act, 1970 (West Ben. Act XV of 1970) shall stand repealed with effect from the date of coming into force of sub-clause (a) of clause (3) of section 4 of this Act:

Provided that such repeal shall not affect—

(i) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered before the aforesaid date,

(ii) any legal proceeding or remedy in respect of such right, title, obligation or liability, or

(iii) the levy, determination, collection or refund of any tax, or the imposition or recovery of any penalty, which may have become payable before the aforesaid date, under the West Bengal Paddy Purchase Tax Act, 1970 (West Ben. Act XV of 1970.)

and any such proceeding may be instituted, continued or disposed of, and any such remedy may be enforced and any such tax may be levied, determined or collected or any such refund may be made and any such penalty may be imposed or recovered as if this Act had not been passed.

THE D. N. DE HOMOEOPATHIC MEDICAL COLLEGE AND HOSPITAL (TAKING OVER OF MANAGEMENT) ORDINANCE, 1982

Published in the Calcutta Gazette, Extra ordinary, Part III-A,
No. 643 dated December 27, 1982.

WEST BENGAL ORDINANCE No. XXIV OF 1982.

Whereas it is expedient in the public interest to make better provision for the control, management and maintenance of the institution commonly known as the D. N. De Homoeopathic Medical College and Hospital at 12, Gobinda Chandra Khatick Road, Calcutta 700046, with a view to promoting public health and to provide for that purpose for the taking over for a limited period of the management and the subsequent acquisition of all properties belonging to the said institution or held for the benefit thereof;

And whereas the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (I) of the said article, to make and promulgate the following Ordinance :—

1. *Short title*—This Ordinance may be called the the D.N. De Homoeopathic Medical College and Hospital (Taking over of Management) Ordinance, 1982.

2. *Definitions*—In this Ordinance, unless the context otherwise requires,—

- (a) "appointed day" means the date of publication of the order made under section 3;

THE CALCUTTA HOMEOPATHIC MEDICAL
COLLEGE AND HOSPITAL (TAKING OVER
OF MANGEMENT) ORDINANCE, 1982

Published in the Calcutta Gazette, Extrordinary,
Part III-A No. 644, dated December 27, 1982

WEST BENGAL ORDINANCE No. XXV OF 1982

Whereas it is expedient in the public interest to make better provision for the control, management and maintenance of the institution commonly known as the Calcutta Homoeopathic Medical College and Hospital at 265 and 266, Acharya Prafulla Chandra Road, Calcutta-9, with a view to promoting public health and to provide for that purpose for the taking over for a limited period of the management and the subsequent acquisition of all properties belonging to the said institution or held for the benefit thereof;

And whereas the legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas the instructions of the president under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

The Governor is pleased, in exercise of the power conferred by clause (1) of the said article, to make and promulgate the following Ordinance :—

1. *Short title*.—This Ordinance may be called the Calcutta Homoeopathic Medical College and Hospital (Taking over of management) Ordinance, 1982.

END

PART X
NOTIFICATIONS, WEST BENGAL GOVERNMENT
& CALCUTTA HIGH COURT

1983

Published in the Calcutta Gazette, Extra, Part I, No. 123,
dated March 26, 1982

**DEPARTMENT OF LOCAL GOVERNMENT AND
URBAN DEVELOPMENT**

No. 351/C-4/M1A-19/80Pt I 24th March 1982.—In exercise of the power conferred by sub-section (2) of section 1 of the **Bengal Municipal (Amendment) Act, 1980** (West Ben. Act LI of 1980), the Governor is pleased hereby to appoint the first day of October 1982 as the date on which the remaining sections of the said Act, namely, sections 25 to 27, 52 to 74, 77, 84, 85, 92, 104 to 106, 108, 117, 120, 122, 149, 190 and 191, shall come into force.

Published in the Calcutta Gazette, Extra, Part I, No. 793,
dated December 9, 1981

LABOUR DEPARTMENT

No 4249-I.R./EIL/1A-18/79. 30th October 1981.—In exercise of the power conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the **West Bengal Industrial Disputes Rules, 1958**, as subsequently amended (hereinafter referred to as the said rules):

Amendments

In the said rules,—

- (1) in rule 74—
 - (a) “omit” sub-rule (2),
 - (b) in sub-rule (5),—
 - (i) “omit” the letter and figure “Q-1”,
 - (ii) “omit” the brackets and figure “(2)”;
- (2) in Schedule, “omit” Form Q-1 and the entries thereunder.

2. The amendments shall take effect from the 25th day of September 1979.

Published in the Calcutta Gazette, Extra. Part I, No. 82
dated March 22, 1982

**DEPARTMENT OF LOCAL GOVERNMENT AND
URBAN DEVELOPMENT**

No. 212/C-4/MIA-13/81. 8th March 1982.—In exercise of the power conferred by the proviso to sub-section (1) read with sub-section (2) of section 6 of the **Chandernagore Municipal Act, 1955** (West Ben. Act XVIII of 1955), the Governor is pleased hereby to direct that the provisions of sections 2, 6, 8, 9, 10, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 75, 76, 78, 79, 80, 81, 82, 83, 86, 87, 88, 89, 90, 91, 23, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 107, 109, 110, 111, 113, 114, 115, 116, 118, 119, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 185, 186, 187, 188, 189, 192, 193 and 194 of the **Bengal Municipal (Amendment) Act, 1980** (West Ben. Act LI of 1980), shall be deemed to have applied and shall be deemed to have come into force in Chandernagore, with effect from the 2nd day of April, 1981.

Published in the Calcutta Gazette, Extra, Part I No. 136,
dated March 31, 1982

LAND AND LAND REFORMS DEPARTMENT

No. 408-L. Ref./20R-14/81. 26 March 1982.—In exercise of the power conferred by section 24 of the **West Bengal Land Holding Revenue Act, 1979** (West Ben. Act XLIV of 1979), the Governor is pleased hereby to make the following amendment in the **West Bengal Land Holding Revenue Rules, 1980**, published in the "Calcutta Gazette, Extra-ordinary", dated the 9th April 1981, as sub-sequently amended (hereinafter referred to as the said rules) :

Amendment

In sub-rule (1) of rule 9 of the said rules, for the words, figures and letters "within the 31st day of March 1982", substitute the words, figures and letters "within the 30th day of September 1982".

Published in the Calcutta Gazette, Extra, Part I, No. 247,
dated June 18, 1982

LABOUR DEPARTMENT

No. 841LW/LW/1R-1/178. 12th August, 1980—In exercise of the power conferred by section 43, read with section 4 and section 10 of the **Plantations Labour Act, 1951** (69 of 1951), and with the previous approval of the Central Government, the Governor is pleased to make, after previous publication, as required by sub-section (1) of section 43 of the said Act, the following amendment in the **West Bengal Plantation Labour Rules, 1956**, as subsequently amended (hereinafter referred to as the said Rules) :

Amendment

In the said Rules, for sub-rule (1) of rule 31 substitute the following :

- “(1) The Medical Advisory Board shall consist of—
- (i) four persons to be nominated by the State Government of whom one shall be notified as Chairman ;
 - (ii) four representatives from the employers associations to be nominated in consultation with the interests concerned ;
 - (iii) four representatives from the employees organisations to be nominated in consultation with the interests concerned ;
 - (iv) one representative of the Indian Medical Association, Dooars Branch”.

Published in the Calcutta Gazette, Ext-ordinary, Part I, No. 237E,
dated March 28, 1981.

HOME DEPARTMENT

No. 3455WT/3M-150/79. *24th March, 1981.*—In exercise of the power conferred by sub-section (1) and in particular by clause (e) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (Act 4 of 1939), the Governor is pleased to make, after previous publication as required by sub-section (1) of section 133 of the said Act, the following **amendments in the Bengal Motor Vehicles Rules, 1940** published with Notification No. 1930PL, dated the 21st September, 1940, at pages 2655-2829 of Part I of the “Calcutta Gazette” of the 10th October, 1940, as subsequently amended (hereinafter referred to as the said Rules), namely:—

Amendments

In the schedules appended to the said Rules—

(1) in Serial No. 4 of the second schedule in the second column under the heading “Registration Mark” after the letter ‘WMP’ add the letter ‘WNP’.

(2) in Serial No. 3 of the third schedule in the third column under the heading ‘code letters’ after the letter ‘WMP’ insert the letter ‘WNP’.

Published in the Calcutta Gazette, Extra-ordinary, Part I, No. 223,
dated May 31, 1982.

LAND AND LAND REFORMS DEPARTMENT

No. 710-L. Ref /20R-15/81. *5th May, 1982.*—In exercise of the power conferred by section 20 of the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 (West Bengal Act XXXVII of 1981), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the Calcutta Thika Tenancy (Acquisition and Regulation) Rules, 1982.

Rules

1. *Short title.*—These rules may be called the **Calcutta Thika Tenancy (Acquisition and Regulation) Rules, 1982.**

2. *Definitions.*—In these rules :—

- (i) “the Act” means the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 (West Bengal Act XXXVII of 1981);
- (ii) “form” means a form appended to these rules;
- (iii) “section” means a section of the Act.

3. *Terms and conditions of occupation of land directly under the State under section 6(I).*—Every thika tenant and any tenant in respect

of other lands which vest under section 5, occupying any land under a landlord on the date of commencement of the Act, shall occupy such land directly under the State on the following terms and conditions :—

(a) every thika tenant or tenant, as the case may be, shall furnish to the Controller a return in Form A showing the particulars of his total land within two hundred and forty days from the date of commencement of the Act. The Controller may, on a written application from such thika tenant or tenant, extend the date for furnishing the return by a period not exceeding sixty days;

(b) every thika tenant or tenant shall pay to the Controller an annual revenue being not less than what he was paying to the landlord before the coming into force of the Act until the amount of revenue is determined in accordance with the provisions of the West Bengal Land Holding Revenue Act, 1979 (West Bengal Act XLV of 1979), read with sub-section (2) of section 6 and section 26. The annual revenue paid for any period pending determination of the amount of revenue as aforesaid shall be adjusted against the amount of revenue when determined ;

(c) the amount of revenue when determined and the amount of penalty, if any, shall be paid in such instalment or instalments and on such date or dates as the Controller may direct ;

(d) any arrear of revenue or instalment of revenue or amount of penalty or part thereof shall bear simple interest at the rate of 6½ per centum per annum from the date on which the revenue or the instalment thereof or the amount of penalty or the part thereof falls due till the date of its payment;

(e) subject to the provisions of the Act and these rules, the arrear of revenue or penalty or part of revenue or penalty shall be recoverable as a public demand;

(f) all cesses, municipal or other local rates or other impositions which are, or may hereafter be, imposed on the land and the buildings or other erections thereon, if any, whether payable by the owner or the occupier, shall be paid by the thika tenant or the tenant, as the case may be ;

(g) no remission or reduction of revenue or penalty on any ground whatsoever shall be claimed. The State Government may however, by notifications, remit wholly or in part, for such period as may be specified therein, the revenue or the penalty or the both, payable for the land falling within an area or areas affected by flood or earthquake or any other natural calamity;

(h) the boundaries of the land shall be kept intact and well defined;

(i) the land shall be kept free from nuisance, dirt, filth or encroachment ;

(j) no part of the land shall be converted into, or used as, a place of religious worship or cremation or burial;

(k) no part of the land shall be used or permitted to be used for any purpose, other than that for which it was occupied on the date of commencement of the Act, or in any manner which renders it unfit for use for the purpose for which it was occupied on such date ;

(l) no part of the land shall be used or permitted to be used for any immoral or illegal purpose or in any manner detrimental to public peace or public safety;

(m) the Controller or any officer authorised in this behalf by the State Government or the Controller may, after giving 24 hours' notice, enter upon the land or any part thereof to inspect and enquire the condition of the land or the buildings or other erections thereon, if any or inspect and enquire about any building or erection thereon in the course of its construction or making and for all other reasonable purposes :

(n) if there is any breach of, or non-compliance with, any of the terms and conditions as aforesaid or the provisions of the Act or these rules, the thika tenant or the tenant, as the case may be, shall, in addition to any other penalty or disqualification to which he may be subject under the Act or the rules, forfeit his right of occupation of the land, with effect from the date on which an order in this behalf is made in writing by the Controller after giving him a reasonable opportunity of being heard. Upon such forfeiture, the occupant shall be treated as a trespasser and the Controller or any officer authorised by him may, after giving 3 days' notice, enter the land and the buildings or other erections thereon, if any, and take vacant possession thereof.

4. *Authority under section 6(3).*—(1) For the purpose of sub-section (3) of section 6, the followings shall constitute the authority in respect of an area within the jurisdiction of a Controller :—

- (i) the Controller,
- (ii) a representative nominated by the Calcutta Metropolitan Development Authority,
- (iii) a representative nominated by the Calcutta Improvement Trust, if the area is within the limits of Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), or the Howrah Improvement Trust, if the area is within the limits of the municipality of Howrah,
- (iv) a representative nominated by the Corporation of Calcutta, if the area is within the limits of the Corporation of Calcutta, or the municipality of Howrah, if the area is within the limits of the municipality of Howrah, and

(v) a representative nominated by the Land and Land Reforms Department of the Government of West Bengal.

(2) The approval of the majority of the members of the authority present at a meeting of the authority shall be deemed to be the approval of the authority within the meaning of sub-section (3) of section 6 of the Act.

(3) Two members of the authority shall be a quorum for a meeting of the authority.

(4) The Controller shall be the convenor of the authority.

5. *Payment of annuity under section 8(2).*—(1) The annuity payable under sub-section (2) of section 8, which shall not exceed the annual net income derived from the holding, shall be paid for twenty years.

(2) The annual net income derived from the holding shall, subject to the provisions of sub-section (3) of section 6, be determined in the following manner :—

(a) the gross income derived from the holding shall first be determined ;

(b) upon the determination of the gross income, apart from the deduction from the gross income under sub-section (2) of section 8 of charges on account of management and collection at the rate of twenty per centum of the gross income, there shall be deducted from the gross income revenue and other dues, if any, payable to the State Government and dues, if any, on account of income-tax or other taxes ;

(c) the balance, if any, after the deductions as aforesaid, shall be the annual net income for the purpose of annuity under sub-section (2) of section 8.

6. *Payment of amount and determination of fair rent under section 8(5)*—(1) The amount payable under sub-section (5) of section 8 for vesting under sub-section (2), or resumption under sub-section (3), of section 7 of any structure comprised in any tenancy shall be calculated in the following manner :—

(a) the Controller of the area concerned shall, with the assistance of any technical officer under him, if any, first determine the market value of the structure. If there is no such officer under him, the Land Acquisition Collector having jurisdiction over such area shall, upon a requisition, in writing, from the Controller in this behalf, lend the services of a technical officer under him to the Controller for determination of the market value of the structure. While determining the market value, all relevant documents and circumstances shall be taken into consideration ;

(b) thereafter the amount shall be calculated at a rate not exceeding ten times the annual rent paid by Bharatias to the tenant and shall be reduced by (apart from rent, taxes and other charges on account of management and collection at a rate of twenty per centum of the gross annual rent) rent, taxes and revenue or other dues payable to the Central Government or the State Government ;

(c) the amount for the purpose of sub-section (5) of section 8 shall be the market value determined under clause (a) or the amount calculated under clause (b), whichever is less.

(2) Where any structure is occupied by the tenant himself, the fair rent determined by the Controller under sub-section (5) of section 8 shall be deemed to be the annual rent paid by Bharatias. The fair rent shall, however, be determined having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the rent payable in respect of such premises, and after giving the tenant a reasonable opportunity of being heard, and shall be such as will appear to Controller to be reasonable.

7. *Apportionment under section 8(6)*.—Where there are more than one landlord in respect of a thika tenancy or other tenancy vested under section 5, the amount payable to them under sub-section (2) shall be apportioned among them by the Controller in the following manner :—

(a) where the landlords agree in writing as to their respective shares, the Controller shall apportion the amount among them according to such shares ;

(b) where the landlords do not agree in writing as to their respective shares, the Controller shall, having regard to the documents affidavits and other evidences, if any, produced before him, make such apportionment as will appear to him to be reasonable ;

(c) where the Controller fails to make any apportionment under clause (b) he shall withhold the apportionment until the dispute as regards the shares of the landlords is decided by a Court having jurisdiction.

8. Making of application and execution of order under section 11(3).—(1) A Bharatia or a thika tenant, as the case may be, may make an application to the Controller in Form B in case of any dispute referred to in sub-section (3) of section 11. Every such application shall be accompanied by as many copies as there are parties on whom notices are to be served together with a process fee of Rs. 3.50 for each copy of application. The application shall be verified and signed in the manner provided in sub-rules (2) and (3) of Rule 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(2) Any order of the Controller under sub-section (3) of section 11 shall be deemed to be an order within the meaning of clause (f) of section 12 and shall, without prejudice to the provisions of rule 19, be executed accordingly.

9. Manner of review under sub-sections (4) and (5) of section 13.—The provisions of Rule 1 of Order XLI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) as to form of preferring an appeal shall apply, mutatis mutandis, to an application for review by the Court or the Controller, as the case may be.

(2) Where it appears to the Court or the Controller that there is not sufficient ground for review, the Court or the Controller shall reject the application.

(3) Where the Court or the Controller is of opinion that the application for review should be granted, the Court or the Controller shall grant the same :

Provided that—

(a) no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard ; and

(b) no such application shall be granted on the ground of discovery of new matter or evidence, with the applicant alleges was not within his knowledge or could not be adduced by him when the order was passed, without strict proof of such allegation.

10. Terms and conditions and making use of, or settling with any person or authority, any land or structure under section 27.—Any land or structure vested in or resumed by the State under the Act may be made use of, or settled with any person or authority, for subserving the common good, on the terms and conditions and in the manner laid down in the West Bengal Land Management Manual, 1977, the provisions of which shall apply mutatis mutandis.

11. Miscellaneous and supplementary.—All notices required to be served under the Act or these rules shall be served by registered post with acknowledgement due or in the manner provided for service of a process of a revenue or Civil Court.

12. *Fees for making applications and for copies.*—(1) A fee of rupees two shall be payable for every application made under the Act.

(2) Such application may be presented by the applicant himself or by his agent, duly authorised by him in writing. The applicant and the opposite party may be represented by agent, duly authorised in writing :—

Provided that if the person representing a party is a legal practitioner and holds a Vakalatnama from the party in this behalf, no separate authorisation shall be necessary. Such Vakalanama may, however, be cancelled on a prayer of the party.

(3) Fees for copies shall be payable as follows :—

(a) the fee chargeable for a certified copy of any application, written statement or document shall be rupees two :

Provided that when an application is made at the same time for certified copies of the application, written statement and document of the same case, there shall be charged a consolidated fee of rupees three for all of them ;

(b) the fee chargeable for a certified copy of notes of evidence, order or judgement shall be rupees two plus fifty paise for a folio of ninety words :

Provided that when an application is made at the same time for certified copies of notes of evidence, order or judgement and proceedings of the same case, there shall be charged a consolidated fee of rupees three plus fifty paise for a folio of ninety words ;

(c) the fee chargeable for uncertified copies of notes of evidence or order or judgement shall be fifty paise only for a folio of ninety words ;

(d) in the case of an urgent application for copies, an expedition fee of rupees two shall be payable in addition to the fees specified above :

Provided that if the copy exceeds four folios, extra charge of forty paise for each extra folio shall be payable ;

(e) if the Head of any Department or Directorate of Government applies to the Controller or of the Appellate Authority for a certified copy of any final order of the Controller or of the Appellate Authority, as the case may be, for any public purpose, a certified copy of such order shall be granted to such applicant on plain paper only, free of cost :

(f) in the matter of granting copies of records written in languages other than English and Bengali, the procedure laid down in the Civil Rules and Orders for the guidance of Civil Courts and officers subordinate to the High Court at Calcutta shall be followed with such modifications as may be necessary.

(g) while applying for copies of maps or plans, the applicant shall file with the application necessary tracing papers for such copies. The cost of copies of such maps or plans shall be assessed by the Controller in such manner as he thinks fit.

13. *Searching and other fees.*—A searching fee of fifty paise shall be payable for every application —

(i) for information whether a record is available in the record-room or not :

Provided that it shall be necessary to make a separate application with separate fee for any information required in connection with every separate cause or separate matter ;

(ii) for inspection where the record is deposited in the record-room :

Provided that such fee shall also be charged for inspection of records of pending cases by advocates and other legal practitioners.

14. In addition to the searching fee, expedition fee of rupee one shall also be payable for every application for urgent inspection or information.

15. A process-fee at the rate of rupees three and fifty paise in respect of every party on whom a notice is to be served under the Act shall be paid.

16. An affidavit sworn before the Controller shall be charged with a fee equivalent to the stamp-duty payable under article 4 of Schedule 1A to the Indian Stamp Act, 1899. (2 of 1899).

17. *Payment of fees.*—Any fee payable under these rules shall, unless otherwise expressly provided in these rules, be paid in court-fee stamps.

18. *Fee payable for any matter coming within the purview of section 13.*—The fee payable for any matter coming within the purview of section 13 of the Act shall be such as is provided for such or similar matter in the Code of Civil Procedure, 1908. (5 of 1908).

19. *Assistance by the police.*—For the purpose of enforcing delivery of possession of any land or structure or evicting any person in actual occupation of any land or structure as may be necessary the Act, the Controller may send a written requisition to the officer in-charge of the local police-station or to any police-officer superior to such officer-in-charge, and on receipt of such written requisition, the officer-in-charge or the police-officer as aforesaid shall render all necessary and lawful assistance for enforcing delivery of possession of such land or structure or for evicting any person in actual occupation of such land or structure.

20. *Submission of return.*—For the purpose of payment of amount under sub-section (1) of section 8, every landlord shall submit to the State Government a return in form C within two hundred and forty days from the date of commencement of the Act. The Controller may, on a written application from the landlord, extend the date for furnishing the return by a period not exceeding sixty days.

FORM A

[See rule 3 (a)]

Form of Return of Land to be furnished to the Controller

1. (a) Name(s) of thika tenants/other tenant(s) :
(b) Name(s) of the father/husband ;
2. Name(s) of landlord(s) with address(es) :
(a) Address with municipal or other holding number :
(b) Area in Cottahs or Sq. metres or both :
(c) Butted and bounded by.....on the North.
.....on the East.

.....on the South.

.....on the West.

4. Particulars of the tenancy—

(a) Date of commencement (certified/xerox/attested copies of documentary evidence to be enclosed).

(b) Amount of periodical rent (state the period). If receipts were granted, a xerox/attested copy of the receipt for rent last paid to be enclosed.

5. Description of the structures on the land—

(a) Whether the structures were raised by the thika tenant or any tenant and, if so, the date and cost of construction thereof :

(b) Whether any part of structures was raised or improved by CMDA or any other authority. If so, state details :

(c) Details of structures :

(d) Measurements :

6. Particulars of each of the Bharaties—

(a) Name :

(b) Name of father/husband :

(c) Area under occupation in square metres or square feet or both :

(d) Amount of rent (true copy of counterfoil of last rent receipt to be enclosed) :

7. Whether the thika tenant/other tenant holds any other land/land with building in Calcutta or Howrah.

State—Yes/No.

If yes, state of the following particulars :—

(a) Address with municipal holding No etc. :

(b) Held as owner/thika tenant/otherwise :

(c) Area (in Cottahs and/or Sq. metres) :

8. Particulars of suits/legal proceedings if any, in respect of thika tenancy :

9. Remarks :

10. List of documents enclosed (vide items 4, 6, etc) :

(a)

(b)

(c)

(d)

I hereby declare that to the best of my knowledge and belief the particulars furnished in this declaration are correct, complete and true and no part of it is wrong or false.

Date.....

Address.....

.....

Signature or left thumb impression
of thika tenant/other tenant.

FORM B

[See rule 8 (1)]

Application to the Controller for deciding dispute

To

Sir, I beg to state that I have been a Bharatia in respect of the building/structure described in the schedule hereunder in municipal

holding No.....within Ward No.....of the Corporation/
Municipality of.....being premises No.....under the thika
tenant/tenant Shri/Shrimati.....residing at.....from the
.....day of the month of.....of the year.....I have been
paying monthly rent of Rs.....for the said building/structure to
the said thika tenant/tenant. Receipts were/were not granted to me
for rents paid by me. (If there were other terms and conditions, state
the same here).

2. (Then state whether you have been unlawfully evicted or the
building/structure has ceased to exist. Give details with dates).

3. [If there is any dispute under section 11(2), give the facts with
dates and all particulars here.]

4. (Here state the relief prayed for)

SCHEDULE

(Give detailed description of the land and building/structure with
area of land and measurements of building/structure).

Note—(1) The application shall be signed and verified as required
by sub-rule (1) of rule 8

(2) If the applicant is a thika tenant/tenant this form should be
used mutatis mutandis.

FORM C

[See rule 20]

Form of return to be submitted to the State Government

1. (a) Name of landlord ...
- (b) Name of father/husband ...
- (c) Address(es) ...
- (d) Names and address of other persons, if
any, having interest in such lands and the nature of such
interest.
2. Particulars of land/lands under thika tenancy/other
tenancy ...

(a) Postal address(es) and Municipal/other holding number(s) to identify the land(s).	1	2	3
(b) Total area in Cottahs or Sq. metres or both.	1	2	3
(c) Total No. of thika tenants/other tenants.	1	2	3
(d) Total rent realised per month/year.	1	2	3
(e) Any other income from the land.	1	2	3
3. Particulars of each of the thika tenant(s)/other
tenant(s).

(a) Name	1	2	3
(b) Postal address of the thika tenant/other tenant.	1	2	3
(c) Holding No. in occupation of thika tenant/ other tenant.	1	2	3
(d) Area in occupation.	1	2	3
(e) Date of commencement of tenancy (enclose certified/attested/xerox copies of documentary evidence).	1	2	3
(f) Rate of rent per month/year (enclose true copy of counterfoil of last rent receipt, if receipts were granted).	1	2	3

(g) Particulars of suits/legal proceedings, if any, in respect of the land.

1 2 3

(h) Remarks.

1 2 3

4. Remarks

5. List of documents enclosed:

(a). Certified/xerox/attested copy of document proving the title to the land.

(a)

(b)

(c)

(d)

(e)

I hereby declare that to the best of my knowledge and belief the above information given by me is correct, complete and true and no part of it is wrong or false.

Dated, the

Signature or left thumb impression of landlord.

N. B.—(i) Information against item 2 should be furnished for each municipal holding separately, if there are thika tenancies/other tenancies under the landlord in different holdings.

(ii) Area, rent, etc. shown in item 2 should tally with the total area, etc. shown in item 3.

(iii) The return should be submitted, in duplicate, to the office of the Controller, Calcutta or Howrah, as the case may be.

(iv) If a landlord has thika tenancies on his lands in Howrah and Calcutta, separate returns are to be submitted in the offices of the Controllers of Howrah and Calcutta respectively.

(v) Attach extra sheets, if necessary to furnish particulars against items 2 and 3. The information should be given for each thika tenant (item 3) separately but in the same return.

Published in the Calcutta Gazette, Extraordinary, Part I, No. 226
dated June 30, 1982.

FORESTS DEPARTMENT

No. 3173-For.—*30th June 1982*.—In exercise of the power conferred by sub-rule (3) of rule 1 of the West Bengal Forest (Establishment and Regulation of Sawmills and other Wood-based Industries) Rules, 1982 (hereinafter referred to as the said rules), the Governor is pleased hereby to appoint the 1st day of July 1982 as the date on which the said rules shall come into force in the whole of the State of West Bengal.

Published in the Calcutta Gazette, Extraordinary, Part I, No 466,
dated September 30, 1982.

LAND AND LAND REFORMS DEPARTMENT

No. 1941-L-Ref./20-R-14/81.—*27th September 1982*.—In exercise of the power conferred by section 25 of the West Bengal Land Holding Revenue Act, 1979 (West Ben. Act XLIV of 1979) the Governor is pleased hereby to make the following amendment in the West Bengal Land Holding Revenue Rules, 1980, published in the "Calcutta Gazette, Extraordinary" dated the 9th April 1981, as subsequently amended (hereinafter referred to as the said rules).

Amendment

In sub-rule (1) of rule 9 of the said rules, for the words, figures and letters "within the 30th day of September 1982" substitute the words, figures and letters "within the 31st day of January 1983"

Published in the Calcutta Gazette Extraordinary Part I, No. 309
dated July 24, 1982.

JUDICIAL DEPARTMENT

No. 19527-J.—*20th July 1982*.—In exercise of the power conferred by sub-section (2) of section 1 of the City Civil Court (Amendment) Act 1980 (West Ben. Act LX of 1980), the Governor is pleased hereby to appoint the 28th day of July 1982 as the date on which the said Act shall come into force.

Published in the Calcutta Gazette, Extraordinary, Part I No. 291
dated July 13, 1982

HIGH COURT, CALCUTTA Appellate Side

No. 306G.—*18th January 1981*.—In exercise of the power vested in me under Article 229 of the Constitution of India I do hereby make the following Rules for the governance of the members of the staff of the High Court:—

RULES

1. *Short title and commencement*.—(a) These rules may be called the High Court Services (Appointment, Probation and Confirmation) Rules 1981.

(b) They shall come into force with effect from the 1st June, 1979.

2. *Application.*—(a) These rules shall apply in cases of appointment on entry into High Court Service.

(b) Subject to the provisions of sub-rule (c), these rules shall apply to all persons who are whole-time employees of this Court, including those who are paid out of contingencies or under work-charged head or who are paid on piece-rate basis but employed throughout the year.

(c) These rules shall not apply to—

(i) persons appointed on contract basis, or appointed otherwise than in accordance with High Court Service Rules, 1960 as amended from time to time,

(ii) part-time employees, casual labours, daily labours, muster-roll workers and seasonal labours,

(iii) employees of the Central Government or any other State Government who are on deputation to any department of the Court

4. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context—

(a) “appointment on permanent basis” means substantive appointment with confirmation;

(b) “appointment on Probation” means appointment on trial before confirmation;

(c) “Court/High Court” means the High Court at Calcutta;

(d) “Court’s service” means High Court Services;

(e) “Probationer” means a Court’s employee appointed on probation;

(f) “temporary service” means service beginning from the date of appointment under the Court till the date of appointment on probation or on permanent basis.

4. *Mode of appointment.*—All appointments on entry into Court’s services shall initially be made on temporary basis

5. *Appointment on Probation and appointment on permanent basis.*

(i) A Court employee—

(a) shall be deemed to be on probation on completion of continuous temporary service for two years after his initial appointment in a post or service or cadre,

(b) shall be confirmed, and made permanent on satisfactory completion of the period of probation where passing of any examination is essential before confirmation, the relevant provisions of the Calcutta High Court Services Rules, 1960, shall have to be complied with.

(ii) Except as otherwise provided elsewhere in these rules, the period of probation shall be one year. This period may be extended for a further period of one year by the appointing authority on the grounds to be recorded in writing;

(iii) no formal declaration shall be necessary in respect of appointment on probation;

(iv) on satisfactory completion of the period of probation the appointing authority shall issue formal declaration making the probationer permanent from the date of completion of the period of probation or of the extended period of probation, if any, in terms of High Court Service Rules and the appointing authority shall ensure

that confirmation on satisfactory completion of the period of probation is not delayed.

6. (i) On the date on which these rules come into force, Court's employees who have completed more than three year's but less than five years' continuous service in a post, service or cadre on that date, either on a temporary or quasi-permanent basis, shall be deemed to have been appointed on probation with effect from the said date and the period of probation in such cases shall be six months.

(ii) On the date on which these rules come into force, Court's employees who have rendered more than five years' continuous service on that date shall be deemed to have completed the prescribed period of probation, where, however, rules regulating the recruitment to any post or service or cadre require the passing of any academic, departmental or other examination before confirmation, these rules shall not be construed to relax such requirement

(iii) In respect of the Court's employees who are on probation on the date on which these rules come into force, the period of probation shall be subject to the limits prescribed in rule 5 and sub-rule (i) of these rules.

7 *Repeal and Savings.*—(a) The High Court Services (Temporary and Quasi-permanent Service and Service with permanent Status) Rules, 1969 promulgated under the Court's Notification No. 9369-G, dated the 19th August 1970, shall hereby stand repealed.

Provided that such repeal shall not affect the previous operation of the said rules in respect of things done or omitted to be done thereunder before such repeal.

(b) On the coming into force of these rules such of the provisions of the Calcutta High Court Service Rules, 1960, the High Court Services (Revision of Pay and Allowances) Rules, 1970 or any other rules, as are inconsistent with these rules shall be deemed to have been amended notwithstanding anything to the contrary contained elsewhere in these rules.

S. C. GHOSE,
Chief Justice.

Published in the Calcutta Gazette Extraordinary Part I, No. 596
dated December 1, 1982.

REGISTRATION DIRECTORATE

No. 101. 1st December, 1982.—In exercise of the powers conferred by sections 19A and 80G read with section 69 of the Indian Registration Act, 1908 (XVI of 1908), the Inspector General of Registration, West Bengal hereby makes the following rules :

THE WEST BENGAL REGISTRATION (DEED WRITERS) RULES, 1982.

1. *Short title, extent and commencement.*—(1) These rules may be called the West Bengal Registration (Deed Writers) Rules, 1982
- (2) These rules extend to the whole of West Bengal.
- (3) These rules shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definition.*—In these rules, unless the context otherwise requires—

(a) 'the Act' means the Indian Registration Act, 1908 (XVI of 1908);

(b) 'Deed writer' means and includes a person who is engaged in the profession of preparing documents, namely, doing the work of conveyancing, including investigation of title, preparation of draft deeds and engrossing the deed on stamp paper for registration and who holds a licence under these rules;

(c) 'Form' means a form appended to these rules;

(d) 'Licence' means a deed writer's licence granted under these rules;

(e) 'Licensing authority' for the purpose of these rules shall mean, in respect of each district and its sub-districts, as defined in section 2 of the Indian Registration, Act, 1908, the District Registrar concerned

3. *Repeal.*—The rules 120 to 129 of the West Bengal Registration Rules, 1962 are hereby repealed:

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of the West Bengal Registration (Deed Writers) Rules, 1982.

4. *Prohibition of unlicensed person.*—No person who is not a licensed deed writer under the rules shall engage himself in a profession of a deed writer:

Provided that an advocate or a pleader practising before any Court in the State or a solicitor need not obtain a deed writer licence.

5. *Persons eligible for licence.*—A deed writer's licence may be granted to a person,—

(i) who is a citizen of India;

(ii) who has completed twenty one years of age;

(iii) who has passed the School Final Examination or its equivalent or has gained not less than five years' experience in the preparation of deeds immediately preceding the date of commencement of these rules;

(iv) who has passed the Deed Writer's Licensing Test conducted by the District Registrar; and

(v) whose hand-writing is good.

Provided that the provisions of rule 4 shall not apply in the case of the existing licences, although they shall be governed by all other provisions of these rules;

Provided also that any person holding a copy writer's licence cannot simultaneously hold a deed writer's licence.

6. *Disqualifications.*—A licence shall not be granted to a person—

(a) if he has been declared by a competent court to be of unsound mind;

(b) if he is an undischarged insolvent or being a discharged insolvent, has not obtained from the court which adjudged him as insolvent, a certificate that his insolvency was caused by misfortune without any misconduct on his part;

(c) in the case of an advocate or other legal practitioner, if he has been dismissed or is under suspension from practising as such by order of any competent court;

(d) if he has been convicted by a criminal court for an offence involving moral turpitude, before the expiry of three years from the date of conviction or before the expiry of the period of sentence which ever period expires later ;

(e) if he is a deaf-mute;

(f) if he is a leper or suffers from an incurable contagious disease;

(g) in the case of a retired officer, if his retirement had been resulted of misconduct ;

(h) if his licence has at any time been cancelled and the order cancelling the licence has not been quashed by the competent authority;

(i) if he is engaged in any gainful occupation or employment ;

(j) if he is an officer retired from Government service whose pension has been withheld either wholly or in part, due to his misconduct or negligence, and such period for which the pension is so withheld, has not expired.

To grant a licence, the Licensing authority shall record his reason for refusal and communicate a copy of the order to the person applying for licence.

7. *Competent persons for writing different kinds of document.*—

(1) Non-testamentary documents are to be prepared by licensed deed writers only :

Provided that no such licence will be necessary if the document is prepared by an advocate, a pleader or a solicitor ;

(2) No non-testamentary document shall be accepted for registration unless it is prepared by a licensed deed writer, an advocate or a solicitor;

Provided that rules 7(1) and 7(2) shall not apply to documents executed by or on behalf of or in favour of the Government of India, or State Government or local authorities and other bodies corporate and institutions which may, by notification in the Gazette, specified by Government in this behalf:

Provided also that rules 7(1) and 7(2) shall not apply to documents prepared and executed in other States of India or any foreign country

(3) Testamentary documents may be prepared by the testator or by any person authorised by the testator.

8. *Application for Licence* —Application for a deed writer's licence in Form No. 1 of the appendix shall be made in the candidate's own handwriting to the District Registrar through the local Sub-Registrar with testimonials and attested copies of certificates. If the District Registrar is satisfied that the applicant is fit to be a deed writer according to the provisions of these rules, he will direct the applicant to pay the prescribed licence fee. On payment of the licence fee the candidate's name shall be entered in the Register of Deed Writers as in Form No. 3 of the appendix against the particular Sub-Registry Office concerned and a licence in Form No 2 of the appendix shall be issued to him through the Sub-Registrar concerned. The name of the deed writer with necessary particulars shall, at the same time, be communicated to the Sub-Registrar for entry in the Register of Deed Writers in Form No. 4 of the appendix maintained by him. The

licence shall take effect from the date of issue and remain valid till the 31st December of the year of issue.

9. *Renewal of licence.*—A licence issued under these rules may be renewed year to year by the District Registrar, subject to good conduct, satisfactory word and physical fitness on payment of the prescribed renewal fee. The application for renewal shall be filed to the Sub-Registrar in the month of September each year together with the treasury chalan, or bank draft or money order receipt showing the remittance of the renewal fee.

Application for renewal may, however, be filed up to the 31st December of the year of issue with late fee, provided the applicant succeeds in establishing that the delay was absolutely unavoidable.

10. *Conditions of non-renewal.*—(1) A licence shall not be renewed,—

(i) if the licensee fails or has failed to observe any of the conditions of his licence, or contravenes any of the provisions of these rules, or is found guilty of violation of any order passed under these rules ;

(ii) during the period for which the licensee becomes disqualified under any of the provision of rule 6.

(2) The name of the deed writer the renewal of whose licence is refused by the District Registrar under any provision of these rules shall be struck off the registers maintained by the District Registrar as well as by the Sub-Registrar concerned.

A deed writer who fails to apply for renewal within the stipulated period may, however, apply for a fresh licence.

11. *Appeal.*—An appeal against an order refusing the grant or renewal of licence shall lie to the Inspector-General of Registration within a period of sixty days from the date of communicating the person concerned of the order. The decision of the Inspector-General Registration shall be final.

12. *Conditions attached to deed writer's licence.*—The following conditions shall be deemed to be attached to the deed writer's licence :—

(a) the licensee shall abide by the rules relating to the licensing of deed writers ;

(b) the licensee shall not demand or receive any fee or remuneration in excess of the amount specified in the schedule of fees provided in these rules for the services rendered by him as a deed writer ;

(c) he shall exhibit the schedule of fees in a conspicuous place in his office in the local language ;

(d) he shall maintain a register in Form No. 5 of the Appendix, which shall be open to inspection at all times by the Registering Officer and any of the Inspecting Officers. The register when completed shall be preserved by the deed writer for a period of three years ;

(e) he shall issue a receipt in Form No. 6 of the Appendix to the party concerned showing all moneys received, as prescribed under these rules. The carbon copy shall be preserved by the deed writer for a period of three years ;

(f) he shall produce his licence before the Registering Officer on demand ;

(g) he shall write documents legibly and in accordance with the instructions that may be issued from time to time by the licensing authority ;

(h) he shall instruct the parties or their duly authorised agents or holders of Power-of-Attorney to present documents or petitions and to pay the fees in person to the Registering Officer or any Officer authorised by the Registering Officer ;

(i) he shall write instruments with reference to documents and papers submitted by the parties. If any party fails to produce authentic papers, such as record of right, registered deed under special circumstances, the deed writer may write the document with previous permission of the Registering Officer and he shall preserve the description of the property and other salient particulars under the signature of the executing party. Registering Officers may inspect such records any time ;

(j) the deed writer shall explain to parties about the implications of the provisions of sections 27 and 64 of the Indian Stamp Act, 1899 (II of 1899). If any party fails to act according to his advice, he shall bring this fact to the notice of the Registering Officer in writing, failing which he will be penalised under section 64 of the Indian Stamp Act, 1899 and also for violation of these rules.

13. *Issue of duplicate licence.*—(i) When the licence issued to a deed writer is worn-out it may be replaced on payment of the prescribed fee by a duplicate licence on the prayer of the deed writer concerned. The original worn-out licence is to be cancelled.

(ii) When the licence issued to a deed writer is lost, it may be replaced by a duplicate licence in the prescribed printed form on the prayer of the deed writer concerned on payment of the prescribed fee.

(iii) All fees for the first licence, duplicate of a lost licence, renewal of a licence and replacement of a worn-out licence shall be paid to the District Registrar in cash or through the treasury or by postal money order or by bank draft.

14. *List of deed writers.*—A list of licence deed writers shall be hung up at a conspicuous place in the Registration Office with the following note of warning :—

“Any person whose name is not included in this list and who enters the Sub-Registry office or its compound except for the purpose of transacting business in connection with the registration of his own documents or for the making of searches or application for certified copies or for doing any other transaction in the office on his own behalf, or for doing the same under a Power-of-Attorney or unless he holds a receipt under section 82 of the Indian Registration Act, 1908, duly endorsed in his favour shall be deemed to be a tout and his name shall be liable to be included in the list of touts framed and published under sub-section (1) of section 80A of the said Act.”

15. *Permits for inquiry.*—A Sub-Registrar in sending name to the Registrar of the District of the persons alleged or suspected to be touts should state reasons for holding an inquiry under section 80B of

the Indian Registration Act, 1908. On receipt of the necessary order from the Registrar an inquiry under section 80B shall be started by Sub-Registrar.

16. *Rights of deed writers.*—Licensed deed writers shall be allowed to sit in the office precincts and to enter the Registration Office to transact business authorised by the licence under the control and supervision of the Registering Officer.

17. *Deeds how to be written.*—(i) Every deed writer in the preparation of deeds for registration shall write documents in consultation with any legal documents or Government records produced by the party. The Registering Officers shall enquire about it frequently in order to check fraudulent preparation and registration of deeds.

(ii) Every deed writer shall obey the directions that may be issued time to time by the licensing authority with regard to the use of stamp papers and other papers in the preparation of deeds for registration.

18. *Attestation of deeds.*—(i) Every deed prepared by a deed writer shall be attested by him in the following manner :—

“Prepared by XY (name in full) having Licence No.....of 19..... under Z (name of the Registration Office) Registration Office.

.....
Signature of the deed writer.”

(ii) In the case of a type-written or printed document the name and signature of the deed writer, advocate or solicitor, as the case may be, and in the case of documents prepared by the Government agency, local authority, other bodies corporate, the full name and signature of the person who has written the document shall be furnished on the document in addition to the name and signature of the typist or the name and address of the press in the case of printed documents.

(iii) Any document drafted by a lawyer shall bear the full name and signature of the legal practitioner in addition to his registration number or the name of the Bar Council to which he is attached.

19. *Touts.*—Any person who is found at or near about the precincts of the Registration Office to persuade the public to have their documents written by any licensed deed writer of his choice or who is found to be doing any act which is likely to defeat the provision of any rule made under section 80G of the Act, shall be deemed to be a tout within the meaning of clause (II) of section 2 of the Act and his name shall be liable to be included in the list of touts framed and published under sub-section (I) of section 80A.

20. *Cancellation of deed writer's licence.*—(1) A licence granted under these rules to a deed writer may be cancelled by the Registrar of the District if,—

(a) his licence has been suspended three times during the course of two consecutive years :

Provided that where the suspension of the licence is for demanding or receiving fees in excess of the amount specified in these rules, the licence may be cancelled if it has been suspended twice during the course of two consecutive years ;

(b) he becomes disqualified on any of the grounds specified in rule 6.

(2) The District Registrar shall have powers to cancel the licence of a deed writer who is guilty of the breach of any of the provisions of these rules or of his licence or of any misconduct.

(3) The District Registrar shall cancel the licence of a deed writer after a regular proceeding. In such a proceeding generally, charge should be formally framed, copy of the charge made over to the deed writer concerned, evidence recorded in his presence, adequate opportunity allowed to him to defend himself by adducing witnesses and finally, there should be written orders with appropriate reasons. A deed writer aggrieved by any order of the District Registrar cancelling his licence may prefer an appeal to the Inspector-General of Registration within sixty days of the date of order.

21. *Suspension of deed writer's licence.*—A licence granted under these rules to a deed writer may be suspended if he,—

(1) fails to maintain the register and to issue receipts as required under rule 11 ;

(2) has acted as a tout ;

(3) contravenes any of the provisions of these rules or any of the conditions of his licence or is found guilty of disobedience to any lawful order passed under these rules ;

(4) is found guilty of abetment or participation in any illegal transaction with any member of staff of the Registration Office.

(5) conducts or behaves himself improperly in the Registration Office.

22 *Suspension Authority, procedure of suspension and appeal.*—

(1) A licence granted under these rules may be suspended by the District Registrar for a period not exceeding three years at a time.

(2) An order of suspension shall be issued after a regular proceeding. The deed writer accused of guilt shall be given adequate opportunity to be heard and defend himself. The decision of the suspending authority shall be recorded in writing and a copy of it shall be furnished to the deed writer concerned.

(3) An appeal against suspension order lies to the Inspector-General of Registration within sixty days from the date of suspension.

23. *Deed Writer's licensing test.*—(1) An examination to be called 'Deed Writer's Licensing Test' shall be conducted by the licensing authority of each district. The time and place of the examination and also the language in which the candidates shall be examined shall be notified in such manner as the licensing authority considers appropriate and necessary.

(2) The test shall include an examination in the stamp and registration laws, conveyancing, drafting of documents and in any other subject as may be prescribed by the licensing authority.

(3) An examination fee as prescribed in these rules shall be levied on each application.

24 *The number of deed writers for each office.*—The number of deed writers for a particular Registration Office shall be fixed by the District Registrar according to its needs. Normally there should be one deed writer for two hundred deeds per year.

25. *Jurisdiction.*—Documents written by an advocate, pleader, solicitor or a licensed deed writer shall be accepted for registration in any Registration Office of the State.

26. *Fees.*—

	Rs.
(a) Licence Fee	... 25.00
(b) Licence Renewal Fee (Annual)	... 15.00
(c) Late Fee (for renewal of licence)	... 15.00
(d) Duplicate Licence Fee	... 5.00
(e) Examination Fee for admission to the Deed Writers Licensing Test.	... 10.00

27. *Fees to be charged by licensed deed writers.*—

(a) (1) Where the value of the property does not exceed 1 per cent of the value subject to the minimum of Rs. 15 00.
Rs. 10,000.00

(2) Where the value exceeds Rs. 100 plus $\frac{1}{4}$ per cent of the value in excess of Rs. 10,000.00.
Rs. 15,000.00.

(3) Where the value exceeds Rs. 125.00 plus Rs. 3.00 for every Rs. 1,000.00 or part thereof in excess of Rs. 15,000 00.
Rs. 25,000 00.

(4) Where the value exceeds Rs. 155.00 plus Rs. 2.00 for every Rs. 1,000.00 or part thereof in excess of Rs. 25,000.00.
Rs. 1,50,000.00.

(5) Where the value exceeds Rs. 205.00 plus Rs. 1.00 for every Rs. 1,000.00 or part thereof in excess of 50,000.00.
Rs. 1,00,000.00.

(6) Where the value exceeds Rs. 300 00.
Rs. 1,00,000.00.

(b) When the value of the property is not stated, the remuneration shall be Rs. 15.00, provided the number of words of the document does not exceed 600. Rs. 2.00 may be charged for each additional one hundred words or part thereof.

(c) For taking delivery of documents when authorised by the party under section 52 of the Indian Registration Act—50 paise per document.

(d) For writing application :

(1) in the printed form—50 paise per page.

(2) in manuscript form—Rs. 1.00 per page.

(e) For writing summons and filing the same Re 1.00 each.

(f) For writing notices in the printed form under the West Bengal Land Reforms Act, 1955—50 paise each.

(g) For making searches of indexes or inspection of volumes—Rs. 1.00.

FORM NO. I

(See rule 8)

Application for Licence of Deed Writer

1. Name of the applicant :
2. Father's name :
3. Home address :
4. Age :

5. Educational Qualification :
6. Language which the applicant can read and write :
7. Previous experience :
8. Whether conversant with the important provision of Indian Registration Act, 1908, West Bengal Land Reforms Act, 1955, Indian Stamps Act, 1899, Transfer of Property Act, 1982 :
9. Office for which the licence is applied :
10. Date of application :

Signature of the applicant

N.B.—(i) The column should be filled up by the applicant in his own hand writing.

(ii) Attach two passport size photographs.

Registrar's Order

Signature.

FORM NO. 2

(See rule 8)

Licence for Deed Writer
Office of the District Registrar
Deed-Writer's Licence
(omitted)

Endorsements of Renewal

Serial No.	Date	Amount remitted	Particulars of remittance	Renewed		Signature & designation of renewing authority
				form	to	

FORM NO. 3

(See rule 8)

Register of Licensed Deed Writers to be Maintained at the
Sadar Office
(omitted)

FORM NO. 4

(See rule 8)

Register of Licensed Deed Writers to be Maintained by Sub-Registrar
(omitted)

FORM NO. 5

(See rule 1)

Register to be Maintained by Deed Writers
(omitted)

FORM NO. 6

(See rule 1)

Receipt to be issued by the Deed Writers
(omitted)

NOTIFICATION

No 102. *1st December 1982.*—In exercise of the powers conferred by sections 19A of the Indian Registration Act, 1908 (XVI of 1908), the Inspector-General of Registration, West Bengal, hereby makes the following rules :

**THE WEST BENGAL REGISTRATION (COPY WRITERS)
RULES, 1982**

1. *Short title, extent and commencement.*—(1) These rules may be called the **West Bengal Registration (Copy Writers) Rules, 1982.**

(2) These rules shall extend to the whole of the West Bengal.

(3) These rules shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

2. *Definition.*—In these rules, unless the context otherwise requires—

(1) 'Copy writer' means and includes a person who prepares in the prescribed form true copies of documents to be presented for registration under the West Bengal Registration (Filing of True Copies) Rules, 1979 and who holds a licence under these rules.

(2) 'Form' means a form appended to these rules.

(3) 'Licensing authority' for the purpose of these rules, shall mean in respect of each district and its sub-districts, as defined in section 2 of the Indian Registration Act (XVI of 1908), the District Registrar concerned.

3. *Prohibition of unlicensed persons.*—No person who is not a licensed copy writer under rules shall engage himself in the profession of a copy writer.

4. Person holding a deed writer's licence shall not simultaneously hold a copy writers's licence.

5. *Person eligible for licence.*—A copy writer's licence may be granted to a person—

(i) who is a citizen of India ;

(ii) who has completed eighteen years of age ;

(iii) who has passed the School Final or its equivalent examination, or has read up to class VIII and gained experience of an assistant of a deed writer in his profession for three years preceeding the commencement of these rules;

(iv) who has passed the 'Copy Writer's Licensing Test' conducted by the District Registrar ; and

(v) who writes neatly, legibly and correctly.

6. (1) *Disqualifications.*—A copy writer's licence shall not be granted to a person,—

(a) if he has been declared by a competent court to be of unsound mind ;

(b) if he has been convicted by a Criminal Court for an offence involving moral turpitude before the expiry of three years from the date of conviction or before the expiry of the period of sentence whichever period expires later ;

(c) if he is a deaf-mute ;

- (d) if he is a leper or suffers from an incurable contagious disease ;
- (e) if his licence has at any time been cancelled and the order cancelling the licence has not been quashed by the competent authority ;
- (f) if he is engaged in any gainful occupation or employment.

(2) In the case of refusal to grant a licence, the Licensing Authority shall record his reasons for refusal and communicate a copy of the order to the person applying for licence.

7. *Application for Licence.*—Application for a copy writer's licence in Form No. 1 of the appendix shall be made in the candidate's own hand-writing to the District Registrar through the local Sub-Registrar with testimonials and attested copies of certificates. If the District Registrar is satisfied that the applicant is fit to be a copy writer according to the provisions of these rules, he will direct the applicant to pay the prescribed licence fee. On payment of the licence fee the candidate's name shall be entered in the Registrar of Copy Writers in Form No. 2 of the appendix against the particular Sub-Registry Office and a licence in Form No. 4 of the appendix shall be issued to him through the Sub-Registrar concerned. The name of the copy writer with necessary particulars shall, at the same time, be communicated to the Sub-Registrar for entry in the Register of copy writers in Form No. 3 of the appendix maintained by him. The licence shall take effect from the date of issue and remain valid till the 31st December of the year of issue.

8. *Renewal of licence.*—A licence issued under these rules may be renewed year to year by the District Registrar, subject to good conduct, satisfactory work and physical fitness, on payment of the prescribed renewal fee. The application for renewal shall be filed to the Sub-Registrar in the month of September each year together with the treasury challan or bank draft or money order receipt showing the remittance of the renewal fee.

Application for renewal may, however, be filed up to the 31st December of the year of issue with late fee, provided the applicant succeeds in establishing that the delay was unavoidable.

9. *Condition of renewal.*—(1) A licence shall not be renewed,—

(i) If the licensee fails or has failed to observe any of the conditions of his licence, or contravenes any of the provisions of these rules, or is found guilty of violation of any order passed under these rules ;

(ii) during the period for which the licence has been suspended ;

(iii) if after obtaining the licence, the licensee becomes disqualified under any of the provisions of rule 6.

(2) The name of the copy writer the renewal of whose licence is refused by the District Registrar under any provision of these rules shall be struck off the registers maintained by the District Registrar as well as by the Sub-Registrar concerned.

A copy writer who fails to apply for renewal within the stipulated period may, however, apply for a fresh licence.

10. *Appeal against an order of refusing the grant or renewal of licence.*—An appeal against an order refusing the grant or renewal of licence shall lie to the Inspector-General of Registration within a period of sixty days from the date of communication to the person concerned of the order. The decision of the Inspector-General of Registration shall be final.

11. *Conditions attached to copy writer's licence.*—The following conditions shall be deemed to be attached to the copy writer's licence :

(a) the licensee shall abide by the rules relating to the licensing of copy writers;

(b) the licensee shall not demand or receive any remuneration in excess of the amount specified in these rules for the service rendered by him as a copy writer;

(c) he shall maintain a register in Form No 5 of the appendix which shall be open to inspection at all times by the Registering Officer and any of the Inspecting Officers. The register when completed shall be preserved for a period of two years;

(d) he shall issue a receipt in Form No. 6 of the appendix to the party showing the money received as prescribed under these rules. The carbon copy shall be preserved for a period of two years;

(e) he shall exhibit the rates of remuneration of a copy writer in a conspicuous place of his office in the local language;

(f) he shall produce his licence before the Registering Officer or any Inspecting Officer on demand;

(g) he shall prepare true copies of documents to be presented for registration in accordance with the instructions that may be issued from time to time by the licensing authority.

12. *Issue of duplicate licence.*—(i) When the licence issued to a copy writer is worn out, it may be replaced on payment of the prescribed fee by a duplicate licence on the prayer of the copy writer concerned. The original worn out licence is to be cancelled.

(ii) When the licence issued to a copy writer is lost, it may be replaced by a duplicate licence in the prescribed printed form on the prayer of the copy writer concerned on payment of the prescribed fee.

(iii) All fees for the first licence, duplicate of a lost licence, renewal of a licence, replacement of a worn-out licence shall be paid to the District Registrar in cash or through the treasury or by postal money order or by bank draft.

13. *List of copy writers.*—A list of licensed copy writers shall be hung up at a conspicuous place in the registration office.

14. *Rights and duties of a copy writer*—(i) A licensed copy writer shall be allowed to sit in the office precincts.

(ii) He shall work under the control and supervision of the Registering Officer.

(iii) He will enter office either on being summoned by the Registering Officer or in connection with his specified work of preparing true copy.

(iv) A copy writer shall confine himself to the work of preparing true copies of documents to be presented for registration. He shall not engage himself in the act of canvassing for any deed writer.

15. *Attestation of copy.*—Every true copy prepared by a copy writer shall be attested by him in the manner stated below :

"True copy prepared by XY (name in full) having licence No..... of 19.....under Z (name of the Registration Office).

.....
Signature of the Copy Writer"

16. *Cancellation of copy writer's licence.*—(1) A licence granted under these rules to a copy writer may be cancelled by the Registrar of a district if—

(a) his licence has been suspended three times during the course of two consecutive years;

Provided that where the suspension of the licence is for demanding or receiving remuneration in excess of the amount specified in these rules, the licence may be cancelled if it has been suspended twice during the course of two consecutive years;

(b) he becomes disqualified on any of the grounds specified in rule 6

(2) The District Registrar shall have powers to cancel the licence of a copy writer who is guilty of the breach of any of the provisions of these rules or of his licence or of any misconduct.

(3) The District Registrar shall cancel the licence of a copy writer after a regular proceeding. In such a proceeding generally, charge should be formally framed, copy of the charge made over to the copy writer concerned, evidence recorded in his presence, adequate opportunity is allowed to him to defend himself by adducing witnesses and finally, there should be written orders with appropriate reasons.

17. *Appeal against cancellation of copy writer's licence.*—A copy writer aggrieved by any order of the District Registrar cancelling his licence may prefer an appeal to the Inspector-General of Registration within sixty days of the date of order.

18. *Suspension of a copy writer's licence.*—A licence granted under these rules to a copy writer may be suspended if he—

(1) fails to maintain the Register and to issue receipts as required under rule 11;

(2) contravenes any of the provisions of these rules or any of the conditions of his licence or is found guilty of disobedience to any lawful order passed under these rules;

(3) is found guilty of abetment or participation in any illegal transaction with any member of staff of the Registration office;

(4) conducts or behaves himself improperly in the Registration office.

19. *Suspending authority, procedure of suspension and appeal.*—

(1) A licence granted under these rules to a copy writer may be suspended by the District Registrar for a period not exceeding two years at a time.

(2) An order of suspension shall be issued after a regular proceeding. The copy writer accused of guilt shall be given adequate opportunity to be heard and defend himself. The decision of the suspending authority shall be recorded in writing and a copy of it shall be furnished to the copy writer concerned.

(3) An appeal against suspension order shall be to the Inspector-General of Registration within sixty days from the date of suspension.

20. *Copy writer's licensing test.*—(1) An examination to be called 'Copy Writer's Licensing Test' shall be conducted by the licensing authority of each district. The time and place of the examination and also language in which the candidates shall be examined

shall be notified in such manner as the licensing authority considers appropriate and necessary.

(2) The test shall relate to the transcription of documents and may include any other subject as may be prescribed by the licensing authority.

(3) An examination fee as provided in these rules shall be levied on each application.

21. *The number of copy writers for each office.*—(1) The number of copy writers for a particular Registration Office shall be fixed by the District Registrar according to its needs. Normally there should be one copy writer for three hundred deeds per year.

22. *Fees.*—

	Rs
(a) Licence Fee	10.00
(b) Licence Renewal Fee (Annual)	5 00
(c) Late Fee (for renewal of licence)	5.00
(d) Duplicate Licence Fee	3.00
Examination Fee for admission to the Copy Writer's Licensing Test	5.00

23. *Remuneration.*—The rates of remuneration to be charged by a licensed copy writer shall be as follows:—

(1) for copying each page or part thereof in the standard form Rs. 2.50 subject to the minimum of Rs. 5 00.

(2) for preparing typed copies by the licensed copy writer the charge is the same as above.

FORM NO 1

(See Rule 7)

Application for licence of Copy Writers

1. Name of Applicant
 2. Father's Name
 3. Permanent Address (Vil., Thana, Post Office, Sub-Registry Office, District).....
 4. Present Address (Vill., Thana, Post Office, Sub-Registry Office District).....
 5. Educational Qualification.....
 6. Languages which the applicant can read and write.....
 7. Previous experience in Writing of deeds, if any and type writing.....
 8. Office for which licence is applied :.....
 9. Date of application :.....
- N. B.—Two passport size photographs to be attached.

Signature of the Applicant

Registrar's Order

Date.....

Signature of Registrar

FORM NO. 2

(See Rule 7)

(Omitted)

Register of Licensed Copy Writers to be maintained at the Sadar Office
(Omitted)

FORM NO. 3

(See Rule 7)

Register of licensed copy writers to be maintained at Sub-offices
(Omitted)

FORM NO. 4

(See Rule 7)

License for Copy Writer
(Omitted)

FORM NO. 5

(See Rule 11(C))

Register to be Maintained by Licensed Copy-Writer
(Omitted)

FORM NO. 6

(See Rule 11(d))

Receipt to be Issued by the Copy-Writer
(Omitted)

Published in the Calcutta Gazette, Extraordinary, Part I
No. 585, dated November 24, 1982

LABOUR DEPARTMENT

No.-4320-LW.—19th November 1982.—In exercise of the power conferred by section 64 of the Factories Act, 1948 (63 of 1948), the Governor is pleased hereby to make, after previous publication as required under section 115 of the said Act, the following rules :—

THE WEST BENGAL FACTORIES (EXEMPTION) RULES, 1982

1. *Short title.*—These rules may be called the West Bengal Factories (Exemption) Rules, 1982.

2. *Definitions.*—In these rules—

(a) “the Act” means the Factories Act, 1948 (63 of 1948);
(b) “holiday” includes a compensatory rest period referred to in item (c) of the conditions of exemption specified in rule 8 of these rules; and

(c) “section” means a section of the Act.

3. *Person deemed to be holding positions of supervision or management, etc., in a factory.*—(1) The following persons employed in a factory shall, under sub-section (1) of section 64, be deemed to be persons holding positions of supervision or management or persons employed in a confidential position, namely :—

(1) Manager,

(b) any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management or is employed in a confidential position.

(2) A record of the names and designations of all persons defined under sub-rule (1). shall be maintained correctly, legibly, in ink, and shall be available in every factory for examination by the Inspector.

4. *Holidays due to workers.*—Notwithstanding anything contained in these rules no adult worker in respect of whom exemption from the provisions of section 52 has been granted shall be deprived of any holiday due to him in accordance with the provisions of section 53.

5. *Urgent repairs.*—The provisions of sections 51, 52, 54, 55, 56 and 61 shall not apply to adult male workers employed on urgent repairs, on condition that —

(a) Throughout the full period of such work, a notice stating the names of the workers employed thereon, shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108 ;

(b) a notice stating fully the nature of the repairs, the time of commencement of work on the same and its probable duration shall be sent to the Inspector forthwith,

(c) no worker shall be employed on such work for more than—

(i) ten consecutive days without a holiday for a whole day ;

(ii) fifteen hours on any one day ;

(iii) thirty-nine hours during any three consecutive days ; or

(iv) sixty-six hours during each period of seven consecutive days ;

and

(d) a statement showing the total number of hours worked each day in the week by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work.

Explanation 1.—“Urgent repairs” mean—

(a) repairs to the motive power of plant and machinery or structure of a factory which if not carried out expeditiously would involve danger to human life or safety, or delay in resumption of the main manufacturing process;

(b) breakdown repairs to ships, steamers and launches which are essential to enable them to leave port at proper time or continue their normal operations in a sound condition;

(c) repairs to commercial aircraft, its engine or other equipment done in a factory, which are essential to enable such aircrafts to leave airport at proper time or continue their normal operations in an air-worthy condition;

(d) breakdown repairs carried out in general engineering works or foundries to the motive power or plant and machinery or other factories, collieries, railways, dock-yard, harbours, tramway, motor transport, gas works, electrical generating and distributing, pumping or similar essential or public utility services which are necessary for their main manufacturing process with as little delay as possible.

(e) breakdown repairs to tractors, earth moving, lifting and hoisting machinery, cranes, conveyors and other heavy machinery and equipment used in connection with construction projects ;

(f) repairs in connection with a change of motive power, for example from steam to electricity or vice-versa, when such repair can not be done without stoppage of the main manufacturing process, and

(g) repairs to emergency ancillary equipment of civil aviation fire-brigade, or similar essential or public utility services which must be carried out expeditiously so as to enable them to continue their normal operations and services at proper time.

Explanation 2.—Periodical cleaning and routine maintenance jobs are not however included in the term “urgent repairs”,

6. *Boiler house and engine room attendants.*—The provisions of sections 51, 52, 54, 55, 56 and 61 shall not apply to adult male workers engaged solely on the work of attending to boilers or prime movers, on conditions that—

(a) the manager of the factory shall classify all such workers into groups according to the nature of their work ;

(b) a notice showing the group or groups of workers working under the provisions of this rule shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108 ;

(c) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work ;

(d) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day ; and

(e) no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of section 64.

7. *Maintenance workers and workers employed on despatching or receiving of goods.*—The provisions of sections 51 and 54 shall not apply to adult male workers and the provisions of sections 55, 56 and 61 shall not apply to adult workers who are engaged solely on the maintenance of machinery and plant or on the despatching or receiving of goods, on condition that—

(a) the manager of the factory shall classify all such workers into groups according to the nature of their work ;

(b) a notice showing the group or groups of workers working under the provisions of this rule shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108 ;

(c) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work ; and

(d) no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of section 64.

8. *Continuous process.*—The provisions of sections 51, 52, 54, 55 and 56 shall not apply to adult male workers employed in—

(1) integrated iron and steel plant—

(a) on the operation of blast furnaces, open-hearth furnaces, converters and other iron and steel melting plant or heating furnaces ; and

(b) on the operation of the raw material handling plant, sintering plant, continuous casting plant, rolling mills including their heating furnaces, handling and disposal of hot metal, slag and similar other waste products ;

(2) coke-oven plant, on the operation of coke-ovens ;

(3) by-product plant, on the recovery and treatment of by-products;

(4) waterworks or pumping stations, as pumping and alum mixing plant operators, turn cocks or valve-men and settling tank watchers ;

(5) gas works, on the actual production of coal gas ;

(6) gas factories, on the production and treatment of carbon dioxide, nitrous oxide, oxygen and acetylene and hydrogen ;

(7) ice factories, on the manufacture and handling of ice;

(8) cold storage plant, on the work of attending to the refrigeration machinery;

(9) chemical factories, on the manufacture of sulphuric acid, nitric acid, hydrochloric acid, carbon disulphide, epsom salt, alum, alumina sulphate, ammonium sulphate, sodium sulphate, ferrous sulphate, sodium chloride, calcium hypo-chloride, copper sulphate, hypo-sulphite of soda sulphide of soda, caustic soda, nitrate of potash, phosphoric acid, ammonia, liquid chlorine, ether, formaldehyde, chloroform, sodium salicylate, sodium tartrate, sodium citrate, sodium silicate, potash citrate, potash acetate, potash tartrate, lime sulphur solution bi-sulphate of lime, zinc oxide, litharge, red lead, white lead, strychnine; chromates, and dichromates, caffeine, ephedrine, storphine, kurchi, porophyllin, dextrine, diphenyl diamine suldhone, phthalic anhydride, phenol, and its derivatives and byproducts pentachlorophenol and its derivatives and by-products, steroid hormones and its intermediaries, dextran, iron-devtran, hyalase and auxiliary chemicals, animal gluse (gelatine) white factice, stearates (zinc and aluminium) and absorbent; and on the sterilisation of surgical dressings, on the distillation of coaltar and the recovery of its by-products;

(10) Paper mills and board mills using drying cylinders, on the work of attending to raw material preparing plant, digesters, breakers, beaters, bleaching plant, washers, strainers, refiners, paper making machines, calenders, reelers and cutters, pumping plant, bleach making plant, acid making plant, soda recovery plant and power plant;

(11) electrical generating and distributing stations, on the work of generation and distribution of electrical energy and operation of switch gear;

(12) glass factories, on the work of charging and attending to the pots or tanks, attending sheet glass-making machines and fully automatic other glass-making machines and firing the furnaces;

(13) sugar factories, using the vacuum-pan system;

(14) refractory, ceramic brick, tile and pipe works, on the work of firing and attending kilns;

(15) distilleries, on fermentation and distillation plant, and breweries on the work of malting and brewing with chemical refrigeration;

(16) tanning extract factories, on the work of charging and discharging vats and attending to evaporators and finishers;

(17) shellac factories, on the solvent and heat extraction processes of shellac manufacture;

(18) factories, on the work of extraction of oil by the solvent process;

(19) factories engaged in the manufacture of paints and varnishes on the work of manufacturing alkyd resin, oleoresinous vehicles, chromium oxide and stand oil;

(20) asbestos cement products factories, on the work of delivery of asbestos and cement from the piles at the feed end to the delivery and stacking of formed products in the watering chambers;

(21) engineering factories, on the work of attending to cupola, steel melting or heating furnaces and heat treatment furnaces;

(22) engineering factories, on the work of attending to automatic galvanising plant;

(23) aluminium factories, on the manufacture of alumina from crushed bauxite, the reduction of alumina to prime aluminium by electrolytic process and calcining and pitch melting in the anode paste plant;

(24) factories manufacturing yeast, on the work of attending to seed propagation, fermentation, separation and pressing plant, and on the work of packing and storing of yeast;

(25) factories manufacturing hydrogenated vegetable oil, on the work of refining, bleaching filtering, generation of hydrogen, hydrogenating and deodorising process;

(26) factories engaged in the manufacture of soap, on the work of attending to the Mazzoni soap plant;

(27) factories manufacturing furnace black, on various process from storage of raw materials into reservoirs up to the packing of carbon black;

(28) factories manufacturing calcium carbide, on the operation of lime kiln and electric furnace;

(29) factories manufacturing polythene, on work connected with the process of alcohol vapourisation, conversion of alcohol vapour to crude ethylene gas, purification of crude ethylene gas, compression of ethylene gas, polymerisation of ethylene into molten polythene, extrusion of liquid polythene as ribbons, cooling and dicing of polythene ribbons into granules;

(30) factories, on work of attending to polythene film extrusion machine;

(31) factories manufacturing telephone cable, on the work of manufacture of cable, taping braiding, lead sheathing, thermoplastic insulation and inspection of cables;

(32) factories manufacturing insulated electric cables where curing is done by the continuous process, on the work of rubber milling, wire drawing, annealing, tinning, bunching and stranding, taping, braiding, continuous vulcanising, compounding and winding;

(33) factories manufacturing enamelled wire, on the work of annealing, enamelling and rewinding;

(34) factories manufacturing rayon by the viscose method, on the various processes from steeping of pulp to cone winding;

(35) factories engaged in the manufacture of transparent paper, on the work of attending to film casting, washing, drying and moisture proofing plant ;

(36) the India Government Silver Refinery, on work connected with the treatment of quarternary alloy and refining of silver and/or copper by electrolytic process ;

(37) factories manufacturing rubber chemicals, on the work of manufacturing diphynylamine, rubber accelerators and rubber antioxidants ;

(38) factories manufacturing arc carbons midget electrodes, synthetic graphite electrodes and anodes, on the operation of baking furnaces and graphitizing furnaces ;

(39) factories on the actual production of calcined petroleum coke or calcined anthracite except storage of raw material in the silo and packing of finished product ;

(40) coal washeries on various manufacturing processes excepting loading and unloading of railway wagons, repairs and maintenance of machinery and plant ;

(41) factories manufacturing fertilizers, on the manufacture of ammonia, urea, nitrophosphates, NPK, methanol and soda-ash.

(42) petroleum oil refineries, on work connected with the processes of refining the crude oil to various types of intermediate and finished petroleum products and storage of the products ;

(43) factories manufacturing slag cement on work connected with the processes of granulating molten slag, drying of granulated slag in the drier, making of slag cement in the mill and transfer of slag cement from the mill to silos ;

(44) factories, on the work of attending to the plant for electroplating of steel wire with copper by kenmore process and other integral plant from the supply stand to the take-up stand ;

(45) factories manufacturing synthetic dyestuff, on the work of attending to process of methoxilation, amination, conversion to ketone base at high temperature, oxidation of dimethyl aniline, hydrolysis of 5-Chloro-orthotoludine and nitration of acetyle orthoanisidine or para-anisidine ;

(46) factories engaged in the large scale manufacture of bread using power operated conveyor system, on various processes from mixing of dough up to removal of bread from the cooling chamber ;

(47) factories manufacturing mineral wool, on various processes from charging of raw materials into the furnace up to mechanical packing of finished product ; and

(48) petroleum storage installations on the work of pumping and receiving of petroleum products from the refineries.

Exemption granted under this rule shall be subject to the following conditions—

(a) on the notice of periods for work required under section 61, the manager shall enter against each group of workers working under the provisions of this rule, the words "working under the provisions of rule 8 of the West Bengal Factories (Exemption) Rules, 1982";

(b) the workers engaged on such work shall ordinarily be employ-

ed on daily eight-hour shifts;

(c) no such worker shall be employed for more than fourteen consecutive days without a compensatory rest period of at least twenty-four hour at one time; and

(d) no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of section 64:

Provided that in the absence of a worker who has failed to report for duty, shift worker may be allowed to work the whole or part of a subsequent shift, on condition that—

(i) the next shift of the shift worker shall not commence before a period of 16 hours has elapsed after the specified stopping time of the shift to which the worker belongs; and

(ii) the circumstances under which the worker is required to work in the subsequent shift shall be noted immediately in the remarks column of the register of adult workers.

9. *Workers engaged in the loading or unloading of railway wagons, or lorries, or trucks.*—The provisions of sections 51, 53, 54, 55, 56 and 61 shall not apply to adult male workers who are engaged in loading or unloading railway wagons or lorries or trucks on condition that—

(a) throughout the full period of such work a notice, stating the name of the workers employed thereon, shall be displayed and maintained in accordance with provisions of sub-section (2) of section 108 ;

(b) a statement showing the time of commencement of such work and the total number of hours worked each day by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work; and

(c) no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of section 64.

10. *Workers engaged in the printing of newspapers.*—The provisions of sections 51, 54, 56, and 61 shall not apply to adult male workers engaged in printing of newspapers, who are held up on account of breakdown of machinery on condition that—

(a) throughout the full period of such work a notice, stating the names of the workers employed thereon, shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108 ;

(b) a statement showing the time of commencement of such work and the total number of hours worked each day by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work; and

(c) no such worker shall be employed so as to work in excess of the limits specified in sub-section (4) of section 64.

11. *Rice mills.*—The provisions of sections 52, 55 and 61 shall not apply to adult workers employed in rice mills using the par-boiling process, on condition that—

(a) the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed ; and

(b) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the

time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

12. *Tea factories*—The provisions of sections 52, 55 and 61 shall not apply to adult workers and the provisions of sections 51 and 54 shall not apply to adult male workers who are employed in the factories, on condition that—

(a) each year at the beginning of the manufacturing season the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector, and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed ;

(b) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work, and

(c) no such worker shall be employed so as to work in excess of the limits specified in sub-section (4) of section 64.

13. *Flour mills*.—The provisions of sections 55 and 61 shall not apply to adult male workers employed in flour mills as sirdars, machine-men (operators and cleaners) shottling-men, mixed-men, oilers, packers and stitchers, flour godown coolies, sealmen and sweepers in the screen room, on condition that—

(a) the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed ; and

(b) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work

14. *Rubber factories.—Curing by autoclaves*.—The provisions of sections 55 and 56 shall not apply to adult male workers employed in rubber factories on the work of curing by autoclaves, on condition that—

(a) the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed ; and

(b) an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

15. *Milk pasteurising factories*—The provisions of section 52 shall not apply to adult workers engaged in milk pasteurising factories using a mechanical or electrical process on condition that no worker in such factories shall be employed for more than fourteen consecutive days without a holiday for a whole day,

16. *Salt factories.*—The provisions of sections 52, 55 and 61 shall not apply to adult male workers engaged in manufacture of salt by evaporating sea water by sunshine in the open, on condition that—

(a) the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption, shall keep the notice so displayed; and

(b) an attendance register for such workers is maintained in the form appended to these rules and in respect of each worker the time of commencement of each period of work shall be entered therein before hand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

FORM

Attendance Register of Adult Workers/Adult Male Workers
(See rules 6, 7, 11, 12, 13 and 16)

Name of the factory.....For week ending.....

1	2	3	4
Serial No.	Name	Nature of work	Group No.
	5	6	
Relay No.		Periods of work	
7			
Actual times of starting and stopping for each period			
Sunday	Monday	Tuesday	Wednesday
Thursday	Friday	Saturday	
In Out	In Out	In Out	In Out
In Out	In Out	In Out	In Out
In Out	In Out	In Out	In Out
In Out	In Out	In Out	In Out
8	9		
Total weekly hours	Record of transfer from one group or relay to another		

Published in the Calcutta Gazette, Extraordinary Part I, No. 69 dated January 31, 1983.

EDUCATION DEPARTMENT

No. 92-Edn. (U)-28th January 1983.—In exercise of the power conferred by sub-section (2) of section I of the Calcutta University Act, 1979 (West Ben. Act. XXXVIII of 1979), the Governor is pleased hereby to appoint the 28th day of January 1983 as the date on which sections 10, 11, 12 and 13 of the said Act shall come into force.

Published in the Calcutta Gazette, Extra ordinary Part I, No. 562 dated November 12, 1982.

EDUCATION DEPARTMENT

No. 636-6/1(5) Edn(P).—*12th November 1982.*—In exercise of the power conferred by clause (h) of section 78A of the **West Bengal Primary Education Act, 1973** (West Ben. Act XLIII of 1973), the Governor is pleased hereby to appoint the following persons to assist the authority notified for the purpose of clause (a) of the said section under notification No. 3630 F. T., dated the 1st October 1982 :

(a) Additional Commissioners of Commercial Taxes referred to in section 3A of the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941),

(b) Assistant Commissioners referred to in clause (c) of sub-rule (2) of rule 1 of the Bengal Sales Tax Rules, 1941.

(c) Commercial Tax Officers referred to in clause (f) of sub-rule (2) of rule 1 of the Bengal Sales Tax Rules, 1941.

EDUCATION DEPARTMENT

No. 637-7/1(5)Edn(P).—*12th November 1982.*—In exercise of the power conferred by section 106, read with section 78A, of the **West Bengal Primary Education Act, 1973** (West Ben. Act XLIII of 1973), the Governor is pleased hereby to make, after previous publication, as required by sub-section (1) of the said section 106, the following rules :

THE WEST BENGAL PRIMARY EDUCATION (LEVY OF CESS ON COAL MINES) RULES, 1982

1. *Short title*—These rules may be called the **West Bengal Primary Education (Levy of Cess on Coal Mines) Rules, 1982.**

2. *Definitions*.—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the **West Bengal Primary Education Act, 1973** (West Ben. Act XLIII of 1973) ;

(b) “Additional Commissioner” means the Additional Commissioner of Commercial Taxes appointed under clause (h) of section 78A to assist the notified authority ;

(c) “appropriate Commercial Tax Officer” in respect of any owner of a coal mine means the Commercial Tax Officer within whose jurisdiction the office of the owner’s coal mine is situated or if the owner has more than one coal mine in the State of West Bengal the Commercial Tax Officer within whose jurisdiction the principal office or head office in West Bengal of the owner of such mines is situated ;

(d) “appropriate Government Treasury” means—

(i) in the case of an owner of a coal mine or coal mines in the State of West Bengal, having his office, principal office or head office in Calcutta, the Calcutta Branch of the Reserve Bank of India or such branches of the State Bank of India in Calcutta as may be notified by the State Government for the purpose of accepting deposits under the Act ;

(ii) in other cases, the treasury or sub-treasury, as the case may be, of the subdivision within which the office of the coal mine is

situated or, in the event of the owner having more than one coal mine in the State of West Bengal, of the subdivision within which the principal office or head office in West Bengal of the owner of such mines is situated ;

(e) "Assessing Officer" means a person, who has been appointed under clause (h) of section 78A to assist the notified authority and to whom the notified authority has delegated under clause (i) of the said section the power relating to assessment under clause (d) thereof of cess leviable under clause (a) of the said section ;

(f) "Assistant Commissioner" means the Assistant Commissioner appointed under clause (h) of section 78A to assist the notified authority ;

(g) "cess" means the education cess referred to in section 78A ;

(h) "Collector" means, in respect of any particular area, the officer exercising in such area the functions of a Collector under the Revenue Recovery Act, 1890 (1 of 1890) ;

(i) "Commercial Tax Officer" means a Commercial Tax Officer appointed under clause (h) of section 78A to assist the notified authority ;

(j) "Commissioner" means the Commissioner of Commercial Taxes notified as the authority for the purpose of clause (a) of section 78A under notification No. 3630 F. T., dated the 1st October, 1982 ;

(k) "Form" means a form appended to these rules ;

(l) "Notified authority" means the authority notified for the purpose of clause (a) of section 78A ;

(m) "section" means a section of the Act.

3. *Subordination of officers appointed to assist the notified authority and their jurisdiction.*—(1) For the purposes of these rules a Commercial Tax Officer shall be subordinate to the Assistant Commissioner, an Assistant Commissioner shall be subordinate to the Commissioner and the Additional Commissioner and an Additional Commissioner shall be subordinate to the Commissioner.

(2) The local limits of jurisdiction under these rules of an Additional Commissioner, Assistant Commissioner and a Commercial Tax Officer shall be respectively the same as those of such persons under the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941) and the rules made thereunder.

4. *Delegation.*—The notified authority shall not delegate to any officer appointed to assist him the powers specified in column 3 in respect of the clauses of section 78A mentioned in column 2 to any officer below the rank specified in the corresponding entry in column 4 ;

Serial No.	Clauses of section 78A	Description of power	Designation of officer
1	2	3	4
1.	(a) and (d)	To levy cess, to make an assessment of cess and to exercise all powers incidental to such levy and assessment.	Commercial Tax officer.
2.	(c) and (g)	To levy or impose penalty and to exercise all powers incidental to such levy or imposition.	Ditto

5. *Return.*—(1) Every owner of a coal mine shall file a return in Form I for each English calendar month within thirty days of expiry of such month in the office of the appropriate Commercial Tax Officer :

Provided that the returns for the months commencing from the 15th day of April, 1982 to the 31st day of October, 1982 shall be filed by the 30th November, 1982 :

Provided further that on an application being made to him, the appropriate Commercial Tax Officer may, in his discretion, extend the date for filing such return.

(2) The return in Form I shall be accompanied by a challan showing payment into appropriate Government Treasury of the amount of cess due according to such return.

(3) If any owner after filing a return under sub-rule (1) discovers any omission or any mis-statement therein, he may file a revised return within ninety days from the last date for filing such return as referred to in sub-rule (1) and such revised return shall be accompanied by a challan showing payment of the additional amount of cess that may be due according to such revised return.

(4) Where the owner has more than one coal mine, he shall file one single return for all of his coal mines in the office of the appropriate Commercial Tax Officer.

6. *Payment of cess and penalty.*—(1) Every owner of a coal mine shall pay the amount of cess due from him and penalty that may be imposed on him direct into the appropriate Government Treasury.

(2) Challans for purpose of making payment shall be available at the appropriate Government Treasury or at the office of the appropriate Commercial Tax Officer having jurisdiction over the concerned coal mine or coal mines.

(3) Challans shall be filled up in quadruplicate. One copy of such challan shall be retained by the appropriate Government Treasury, one copy shall be sent to the appropriate Commercial Tax Officer and the remaining two copies shall be returned to the owner of the coal mine, duly signed and stamped as proof of payment who shall attach one copy of the same to the return to be furnished by him under rule 5.

7. *Assessment of cess.*—(1) If the Assessing Officer is satisfied without requiring the presence of the owner of the coal mine or the production by him and of any evidence, that the return or returns filed under rule 5 is or are correct and he may complete the assessment and determine the amount of cess payable by the owner on the basis of such return or returns.

(2) Where the Assessing Officer considers it necessary or expedient in the interest of revenue to verify the correctness and completeness of the return or returns filed under rule 5 by requiring the presence of the owner or production of any evidence in this behalf or where no return or returns is or are filed under the said rule, he shall serve on the owner of the coal mine a notice in Form II requiring him, on a date to be specified therein,—

(a) to produce or cause to be produced such accounts or documents as may be deemed relevant,

(b) to furnish in writing any information in such form and on such point or matters as he may consider necessary, and

(c) in case of default of payment of cess payable under rule 5 or in filing without any reasonable cause the return or returns under the said rule, to show cause against imposition of penalty under clause (c) of section 78A and he shall fix the date ordinarily not less than thirty days after the date of the issue of the notice.

(3) On the date specified in the notice in Form II issued under sub-rule (2), or as soon thereafter as may be, the Assessing Officer shall, after hearing the owner and considering such evidence as may be produced by him in compliance with the provisions of sub-rule (2) assess the amount of cess and penalty, if any, to be paid by the owner and in the event of non-compliance with the provisions of sub-rule (2) the Assessing Officer shall assess according to the best of his judgment and determine the amount of cess and penalty, if any, payable by the owner.

8. *Notice of Demand.*—On completion of the assessment under rule 7, the Assessing Officer shall serve upon the owner a notice of demand in Form III showing the amount of cess and penalty, if any, payable, the amount already paid and the amount to be paid or the amount paid in excess. Where any sum is payable by the owner of a coal mine or coal mines after deduction of the amount already paid by him, the Assessing Officer shall specify in the said notice in Form III a date not less than thirty days after the service of the notice within which the payment shall be made into the appropriate Government Treasury and shall also specify a date by which the challan in proof of such payment shall be produced before him by the owner.

9. *Penalty for default.*—(1) If any owner of a coal mine or coal mines is in default in making payment of any cess after the assessment has been made and the date for payment thereof has expired, the Assessing Officer may issue a notice in Form IV proposing imposition of a penalty under clause (g) of section 78A for such amount as the Assessing Officer may specify in the notice, and calling upon him to show cause, if any, against the proposed imposition of penalty. The date to be so specified shall not be less than thirty days from the date of issue of the notice.

(2) After considering the cause, if any, shown by the owner in pursuance of the notice referred to in sub-rule (1), the Assessing Officer may impose such penalty not exceeding the amount specified in the notice under sub-rule (1), as he may think fit, recording briefly but clearly his reasons for so doing. Thereafter the Assessing Officer shall serve another notice in Form V upon the said owner specifying the date, not less than thirty days after the date of service of the notice, by which payment shall be made, and the Assessing Officer shall also fix a date by which the owner shall produce before him the receipted challan in proof of such payment.

10. *Recovery of cess and penalty.*—(1) Any amount specified as payable in a notice of demand under rule 8 or rule 9 shall be paid within the time and at the place mentioned in the notice.

(2) If an owner makes an application within the date fixed for payment in the notice of demand under rule 8 or rule 9, the Assessing Officer may, in his discretion, by order in writing, extend the date of such payment, or allow payment by instalments.

(3) Where any amount remains unpaid under sub-rule (1) or sub-rule (2), the Assessing Officer may forward to the Collector a certificate under his signature specifying such amount and the Collector, on receipt of such certificate, shall proceed to recover from the owner of the coal mine or coal mines the amount specified therein as if it were an arrear of land revenue.

11. *Refund*.—(1) Where after assessment under rule 7 or as a result of an order passed in appeal, revision or review, refund of any amount becomes due to the owner of a coal mine or coal mines the Assessing Officer shall refund such amount to the owner upon receipt of an application in this behalf.

(2) An application for refund of any amount paid in excess towards cess or penalty shall be made by the owner to the Assistant Officer briefly and clearly specifying therein the ground upon which the refund is claimed. The Assessing Officer, if satisfied that a refund is due, shall pass an order sanctioning the refund, issue a Refund Payment Order (Cash) and make it over to the owner for encashment at the appropriate Government Treasury.

12. *Appeals*.—(1) Any owner of coal mine or coal mines objecting to the amount of cess assessed or penalty imposed under rule 7 or rule 9, or against any other order passed under the Act or these rules by a Commercial Tax Officer, may appeal to the Assistant Commissioner against such assessment, imposition of penalty or any other order.

(2) The appeal shall be presented within sixty days of receipt of the notice of demand relating to the assessment or penalty objected to or of the intimation of any order referred to in sub-rule (1), as the case may be.

(3) The memorandum of appeal shall, as far as possible, be in Form VI.

(4) The memorandum of appeal shall be in duplicate and shall be accompanied by a copy of the order appealed against.

(5) (a) Any owner objecting to an order including an appellate order passed by the Assistant Commissioner may prefer an appeal to the Commissioner within sixty days from the date on which such order is communicated to him.

(b) The Commissioner may transfer an appeal preferred to him to an Additional Commissioner for disposal.

(6) The Commissioner, the Additional Commissioner or the Assistant Commissioner, as the case may be, may admit any appeal after the expiration of the specified period, if he is satisfied that the appellant had sufficient cause for not presenting it within the period specified for this purpose.

(7) No appeal against an order of assessment of cess or imposition of penalty shall lie unless the appellant pays such amount of cess or penalty as the appellant admits to be due from him.

(8) A memorandum of appeal may be presented either in person or by an agent or may be sent by registered post so as to reach the concerned appellate authority within the specified period.

(9) The Commissioner, the Additional Commissioner or the Assistant Commissioner, as the case may be, before disposing of any appeal may make such enquiry or cause such enquiry to be made, as he thinks fit and on completion of hearing, shall pass an order confirming, modifying, setting aside or annulling the order appealed against.

13. *Revision*.—(1) The Commissioner, the Additional Commissioner or the Assistant Commissioner may, of his own motion, call for the records of any proceeding under these rules in which an order has been passed by any authority subordinate to him and may make such enquiry or cause such enquiry to be made and may pass such order therein, as he thinks fit, after recording reasons therefor :

Provided that he shall not pass any order prejudicial to an owner without allowing him an opportunity of being heard.

(2) The Commissioner, the Additional Commissioner or the Assistant Commissioner shall not revise any order under sub-rule (1) after the expiry of four years from the date of the order sought to be revised

14. *Review*—Any assessment made or order passed may, upon application by the owner within sixty days from the date of receipt of the order including an order of assessment sought to be revised, or on his own motion within two years from the date of the assessment or the order, as the case may be, be reviewed for reasons to be recorded by the officer who made the assessment or passed the order :

Provided that no such review having the effect of enhancing an assessment of cess or the penalty imposed or reducing a refund, as the case may be, shall be made unless the owner has been given an opportunity of being heard.

15. *Fee for appeal*.—The fee for appeal against an order of assessment of cess or imposition of penalty shall be five per cent of the amount of cess including penalty, if any, in dispute and the fee for appeal against any other order including an appellate order shall be twenty-five rupees :

Provided that the fee for appeal against an order of assessment of cess or imposition of penalty shall in no case be less than twenty-five rupees or more than two hundred rupees.

16. *Manner of payment of fees*.—All fees payable under these rules shall be paid in court-fee stamps.

17. *Copy of order—where to be sent*—(1) A copy of every order passed on assessment of cess or imposing any penalty including an order passed on review thereof shall be sent to the concerned owner

(2) A copy of every order passed upon an appeal or revision including review of such order shall be sent to the officer whose order forms the subject matter of the appeal, revision or review proceedings and also to the owner concerned.

18. *Service of notice*.—(1) Any notice which is issued under the provisions of section 78A or these rules or which is required to be

issued for carrying out the purposes of the said section may be served on an owner by any of the following methods, namely :

- (i) personally upon the addressee, if present ;
- (ii) by messenger ;
- (iii) by registered post :

Provided that if the authority issuing the notice is satisfied that an attempt has been made to serve a notice by any of the above-mentioned methods, the said authority may, after recording its reasons for so doing, cause such notice to be served by affixing a copy thereof in some conspicuous place in its office and also upon some conspicuous place at the office, principal office or head office of the owner of concerned coal mine or coal mines and a notice so served shall be deemed to have been duly served.

(2) When a notice is sent by registered post, it shall be deemed to have been received by the addressee at the expiry of the period normally taken by a registered letter in transit unless the contrary is proved.

FORM I

(See rule 5)

Return of cess payable for the English calendar month ending on....

1. Name of the owner.....
2. Address of the owner.....
3. Number of coal mines of the owner.....
4. Total despatches of coal from coal mine(s) during the month in respect of all the coal mines referred to in item 3. (in tonnes)
5. Cess payable at Rs. 2 per tonne on despatches of coal mentioned in item 4 is for.....Rs.....
6. Cess payable for Rs..... (in figures)
- (Rupees.....) has been deposited in..... Treasury/Bank under challan No..... on..... (copy enclosed)

The above statement is true to the best of my knowledge and belief.

Signed
.....
(owner)

Dated.....

FORM II

Notice under clause (d) of section 78A of the West Bengal Primary Education Act, 1973

[See rule 7(2)]

To..... (owner)
..... (address)

Whereas—*(a) You, the owner of *a coalmine/*coalmines, have not furnished return(s) for the..... month(s) ending the..... day of..... :

*(b) It is considered necessary or expedient in the interest of revenue to verify the correctness and completeness of the return(s) for the..... Month(s) ending the.....day.....;

And whereas it appears to me to be necessary to make an assessment under clause (d) of section 78A of the West Bengal Primary Education Act, 1973, in respect of the abovementioned period;

You are hereby directed to attend in person or by an agent at place..... on (date) (at time) and there to produce, or cause there to be produced, at the said time and place the accounts and documents specified below for the purpose of such assessment, together with any objection which you may wish to prefer and any evidence you may wish to adduce in support thereof

*and

to show cause on that date and at that time why in addition to the amount of cess to be assessed on you for the period to a penalty not exceeding the amount of such cess should not be imposed under clause (c) of section 78A of the said Act ;

In the event of your failure to comply with this notice, I shall assess under section 78A of the West Bengal Primary Education Act, 1973, to the best of my judgment without further reference to you.

Assessing Officer

Date.....

..... Charge/Circle.

Particulars of accounts and documents required :

1. Cash book,
2. Ledger,
3. Raising and despatch register of coal,
4. Trading, Profit & Loss Account and Balance-sheet,
5. Any other documents necessary to prove correctness of the return(s) filed, e.g.

† (a).....

† (b).....

* Strike out whichever is not applicable.

† Specify particulars of documents required, if necessary.

FORM III

(See rule 8)

Notice of demand

To

.....(owner)

..... (address)

In continuation of the notice in Form II under clause (d) of section 78A of the West Bengal Primary Education Act, 1973, served on you on the.....day of..... 19....., you are hereby informed that the amount of cess payable by you in respect of the *month/..... *months ending the day of, 19....., has been assessed at Rs. (Rupees).

(in figures)

(in words)

(1) *further a penalty amounting to Rs. (Rupees.....)

(in figures)

(in words)

(2) has been imposed on you under clause (c) of section 78A of the Act.

You are hereby directed to pay the sum of Rs.
(in figures)

(Rupees) (4) as details (in figures) below into the
(in words)

appropriate Government Treasury on or before ... (date) and
to produce the receipt in proof of the payment before the undersigned
not later than day of failing which the said
sum of Rs. (Rupees) will be
(in figures) (in words)

recoverable from you as an arrear of land revenue and a penalty not
exceeding the amount of cess payable by you may be imposed upon
you under clause (g) of section 78A of the Act.

Rs

1. Cess payable
2. Penalty payable under section
78A(c)
3. Less (a) Cess paid
(b) Penalty paid
4. Due (a) Cess
(b) Penalty
5. Excess paid (a) Cess
(b) Penalty

Address.....

Assessing Officer

Date.....

Charge/Circle

*Strike out whichever is not applicable.

FORM IV

[See rule 9(1)]

**Notice for showing cause against Imposition of penalty under
clause (g) of section 78A of the West Bengal Primary Education
Act, 1973.**

To

.....(owner)

.....(address)

Whereas you, the owner of a coal mine/or coal mines have
defaulted in making payment of cess for the month(s) ending.....
payable by you under the aforesaid Act by the date fixed for payment
thereof;

And whereas it appears necessary to impose on you a penalty
under clause (g) of section 78A of the said Act amounting to
Rs.(in figures) (Rupees.....);
(in words)

You are hereby directed to attend in person or by an agent at
(place) on (date).....at (time).....
and to show cause on that date and at that time why a penalty not
exceeding Rs.....(Rupees.....) shall not be
imposed (in figures) (in words)
on you under clause (g) of section 78A of the said Act.

In the event of your failure to comply with the notice, the penalty as indicated above shall be imposed without further reference to you.

Date..... Assessing Officer
.....Charge/Circle.

FORM V

[See rule 9(2).]

Notice of demand of penalty under clause (g) of section 78A of the West Bengal Primary Education Act, 1973.

To

.....(owner)
.....(address)

In continuation of the notice in form IV issued to you on.....day of.....19....., you are hereby informed that the amount payable by you as penalty under clause (g) of section 78A of the aforesaid Act, has been determined at Rs.(Rupees.....)
(in figures) (in words)
in respect of the.. ..month(s) ending on.....day of....., 19.....

You are hereby directed to pay the sum of Rs.....(Rupees
(in figures)
.....) into the appropriate Government Treasury on
(in words)
or before.....(date) and to produce the receipted challan in proof of such payment before the undersigned not later than the
.....day of....., 19..... failing which the sum shall be recoverable from you as an arrear of land revenue.

Address..... Assessing Officer,
Date.....Charge/Circle.

FORM VI

[See rule 12(3).]

Form of Memorandum of appeal under clause (e) of section 78A of the West Bengal Primary Education Act, 1973.

To

The.....

The.....day of.....19.....

- (a) Period of assessment.....
(b) Date of Assessment/Order appealed against.....
(c) Name and designation of the Officer making the said assessment/
passing the said order.....

Rs. P

- (d)
(i) Amount of cess assessed ...
(ii) Amount of penalty imposed

Total

- (e)
(i) Amount of cess admitted ...

(ii) Amount of penalty admitted ...

Total

(f)

(i) Amount of cess in dispute

(ii) Amount of penalty in dispute ..

Total

The petition of....., the owner of the coal mine(s) having his office, principal office or head office at..... sheweth as follows :

(1) Under the West Bengal Primary Education Act, 1973, your petitioner has been assessed to cess for Rs.....under clause (d) of section 78A.

(2) Under clauses (c) or (g) of section 78A a penalty of Rs. has been imposed on your petitioner

(3) A copy of the Assessment order appealed against is attached.

(4) Your petitioner has paid the amount of cess and penalty admitted to be due as shown in item (e) above in those proceeding by Reserve Bank of India/State Bank of India/Treasury Challan No, ...dated.....

(5) Your petitioner has submitted return(s) under the Act for the above period.

(6) Being aggrieved by the aforesaid assessment/order your petitioner begs to prefer this appeal on the following among other.

Grounds

(Here enter the grounds on which the petitioner relies for the purpose of the appeal)

(7) Your petitioner, therefore, prays that he may be assessed accordingly or that the assessment of cess and/or imposition of penalty/the aforesaid order, dated..... may be cancelled and/or remanded to.....for re-assessment/or be set aside or that he may be granted such reliefs as may be deemed just and proper.

Verification

I.....,the petitioner, do hereby declare that what is stated herein is true to the best of my knowledge and belief.

Signature.....

Designation.....

Note.—(1) To be signed by the owner of coal mine(s) or by his agent duly authorised in writing in this behalf.

(2) Strike out whichever expression or paragraphs are inapplicable."

Published in the Calcutta Gazette, Extraordinary, Part I, No. 588, dated November 25, 1982

EDUCATION DEPARTMENT

No. 660-Edn.(U). 29th June 1981.—In exercise of the power conferred by sub-section (2) of section 1 of the Calcutta University

Act, 1979 (West Ben. Act XXXVIII of 1979), the Governor is pleased hereby to appoint the 1st day of July 1981 as the date on which section 42 of the said Act shall come into force.

No. 1617-Edn (U) 23rd October 1981.—In exercise of the power conferred by sub-section (2) of section 1 of the **Calcutta University Act, 1979 (West Ben. Act XXXVIII of 1979)**, the Governor is pleased hereby to appoint the 1st day of November 1981 as the date on which section 60 of the said Act shall come into force.

No. 1720-Edn.(U). 27th November.—In exercise of the conferred by sub-section (2) of section 1 of the **Calcutta University Act, 1979 (West Ben. Act XXXVIII of 1979)**, the Governor is pleased hereby to appoint the 1st day of December 1981 as the date on which section 41 of the said Act shall come into force.

Published in the Calcutta Gazette, Extraordinary, Part I, No. 90,
dated February 8, 1983

DEPARTMENT OF PANCHAYATS AND COMMUNITY DEVELOPMENT

No. 24661/Panch. 7th February 1983—In exercise of the power conferred by section 224 of the West Bengal Panchyat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendments in the **West Bengal Panchayat (Election) Rules, 1974**, published under this department notification No. 3105-Panch., dated the 1st March 1974, at pages 425 to 475 of Part I of the "Calcutta Gazette, Extraordinary", dated the 1st March 1974, as subsequently amended (hereinafter referred to as the said rules), namely—

Amendments

In the said rules,—

(i) for rule 8, substitute the following rule :—

"8. Determination of number of member's for a Gram Panchayat.—Subject to the maximum and minimum number laid down in sub-section (2) of section 4, the prescribed authority shall, by an order in Form A, determine the number of members to be elected to a Gram Panchayat as practicable on the following basis, namely :—

(a) in hill areas—one member for every one hundred and twenty-five voters and one additional member for every fraction thereof ;

(b) in other areas—one member for every five hundred voters and one additional member for every fraction thereof.";

(ii) for rule 9, substitute the following rule :—

"9. Division of a Gram into constituencies and allocation of seats to constituencies.—The prescribed authority shall, by an order in Form A, divide, in recognizable units like paras, localities, neighbourhoods, bustees or colonies, the area of a Gram into constituencies on the basis of number of members determined under rule 8 and shall allocate to each constituency such number of seats, not exceeding two, as may conform to the number determined under rule 8.";

(iii) for rule 10, substitute the following rule :—

“10 *Manner of publication of order under rule 8 and rule 9.*—The order under rule 8 and rule 9 shall be published not later than eleven weeks before the date of poll by posting up the same in some conspicuous place in the office of—

- (i) the Gram Panchayat to which the order relates ;
- (ii) the union board constituted under the Bengal Village Self-Government Act, 1919 (Ben Act V of 1919) in respect of the Gram Panchayat to which the order relates ;
- (iii) the Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957 (West Ben Act I of 1957), or the Panchayat Samiti, or the Anchalik Parishad established under the West Bengal Zilla Parishads Act, 1963 (West Ben. Act XXXV of 1963), and the Zilla Parishad within whose area the Gram is situate ;
- (iv) the Block Development Officer, the Subdivisional Officer and the District Magistrate of the area concerned :

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule, and any inadvertent omission to post up the order in or more places shall not invalidate the order.”;

- (iv) for rule 11, substitute the following rule :—

“11. *Determination of number of members and constituencies for Panchayat Samiti*—(1) Subject to the maximum number specified in clause (ii) of sub-section (2) of section 94, the prescribed authority shall, by an order in Form B, determine the number of members to be elected to a Panchayat Samiti from a Gram as far practicable in the manner shown in the table below :—

The Table.

Number of voters		Number of members to be elected to a Panchayat
(1)		(2)
A. For hill areas—		
800 and below	...	1
801 to 1200	...	2
1201 and above	...	3
B. For other areas—		
3000 and below	...	1
3001 to 6000	...	2
6001 and above	...	3

(2) The prescribed authority shall, by an order in Form B, divide a Gram into as many constituencies as the number of members, determined under sub-section (1), to be elected to a Panchayat Samiti from the Gram.”.

- (v) after rule 11, insert the following rule :—

“11A. *Manner of publication order under rule 11.*—The order under rule 11 shall be published not later than eleven weeks, before the date of poll by posting up the same in some conspicuous place in the office of—

- (i) the Gram Panchayat within the Panchayat Smiti to which the order relates ;
- (ii) the union board constituted under the Bengal Village Self-

Government Act, 1919 (Ben. Act V of 1919) in respect of the Panchayat Samiti to which the order relates ;

(iii) the Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957) in respect of the Panchayat Samiti to which the order relates ;

(iv) the Panchayat Samiti, or the Anchalik Parishad established under the West Bengal Zilla Parishads Act, 1963 (West Ben. Act XXXV of 1963) in respect of the Panchayat Samiti, to which the order relates ;

(v) the Block Development Officer, the Subdivisional Officer, the District Magistrate and the Zilla Parishad of the area concerned ;

Provided that the order shall be deemed to have been duly published if there has been substantial compliance with the provisions of this rule, and any inadvertent omission to post up the order in one or more places shall not invalidate the order ”;

(vi) after Table C and the entries relating thereto under the heading “THE SCHEDULE”, insert the following forms:—

“FORM A

(See rules 8 and 9)

Order

No....., dated.....—In exercise of the power conferred by sub-sections (2) and (3) of section 4 of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), read with rules 8 and 9 of the West Bengal Panchayat (Election) Rules, 1974, I, the District Magistrate of the district of, as the prescribed authority appointed by the State Government in the Department of Panchayats and Community Development under notification No. 2101/I/Panch., dated the 2nd February, 1983, for the purpose of sub-sections (2) and (3) of section 4 of the said Act, hereby determine for the Grams specified in column (1) of the Schedule below the total number of members to be elected to the Gram Panchayats specified in the corresponding entries in column (2), divide the area of the Grams into constituencies specified in the corresponding entries in column (3), and allocate to each such constituency seat or seats specified in the corresponding entries in column (4) of the said Schedule.

The Schedule

Name of the Gram	Block.....	Number, name and area of constituencies.	Seats allocated to each constituency
(1)	(2)	(3)	(4)

.....
Signature of the Prescribed Authority.

FORM B

(See rule 11)

Order

No....., dated.....—In exercise of the power conferred by clause (ii) of sub-section (2) of section 94 of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), read with rule 11 of the West Bengal Panchayat (Election) Rules, 1974,

I, the District Magistrate of the district of....., as the prescribed authority appointed by the State Government in the Department of Panchayats and Community Development under notification No. 2101/I/Panch, dated the 2nd February, 1983, for the purpose of clause (ii) of sub-section (2) of section 94 of the said Act, hereby determine for the Grams specified in column (1) of the Schedule below the number of members to be elected to the Panchayat Samiti specified in the corresponding entries in column (2), and divide the area of the Grams into constituencies specified in the corresponding entries in column (3) of the said Schedule.

The Schedule

Name of the Gram	Block..... Number of members to be elected to the Pan- chayat Samiti.	Number, name and area of the consti- tuency.
(1)	(2)	(3)

.....
Signature of the Prescribed Authority."

Published in the Calcutta Gazette, Extraordinary, Part I, No. 443,
dated September 23, 1982

EDUCATION DEPARTMENT

No. 554-Edn. (P)/10R-1/81.—15th September 1982.—In exercise of power conferred by sub-section (1), and, in particular, by clause (a) of sub-section (2) of section 106 of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973) and in supersession of this department notification No. 1100-Edn (P), dated the 21st October 1975, the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules :—

RULES

1. *Short title*—These rules may be called the West Bengal Board of Primary Education (Constitution of Electorate, Preparation and Publication of Electoral Roll) Rules, 1981.

2. *Definition*.—In these rules, unless the context otherwise requires,—

(a) "the Act" means the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973);

(b) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951);

(c) "form" means a form appended to these rules;

(d) "Registering Authority" means such person as the State Government may appoint to perform all or any of the duties of the Registering Authority under these rules; and

(e) "section" means a section of the Act.

3. *Constitution of electorate*.—The electorate for election of members of the Board—

(i) under clause (c) of section 4, shall consist of the teachers of Junior Basic Training Institutions;

(ii) under clause (d) of section 4, shall consist of the members of Primary School Councils, who are representatives of primary school teachers in the Primary School Council of the concerned Division;

in this behalf and shall contain the names of such persons only as are, on that date, eligible under these rules for being included therein.

6. *Employment of agents by the Registering Authority.*—For the purpose of preparing the electoral roll, the Registering Authority may employ such agents as he thinks fit.

7. *Publication of draft electoral roll.*—The draft electoral roll shall be published by the Registering Authority in the following manner, namely :—

(a) the part of electoral roll for each district including Calcutta shall be published at the office of the District Inspector of schools (Primary Education) of that district ;

(b) a copy of the complete electoral roll shall be published at the office of the—

(1) Registering Authority.

(2) Returning Officer.

Explanation.—In this rule “Returning Officer” means the Director of Primary Education, West Bengal, and includes any person for the time being performing the duties of the Director of Primary Education.

8. *Notice inviting claims and objections.*—(1) A notice in Form I shall be published along with each part of the draft electoral roll or the complete draft electoral roll, as the case may be, published under rule 7, specifying the Registering Authority to whom and the period referred to in sub-rule (1) of rule 9 within which, claims for inclusion of name in the electoral roll or objections to the inclusion of any name or other entry therein, are to be preferred.

(2) All such claims and objections shall be addressed to the Registering Authority specified in the notice and sent to him by registered post.

9. *Claims and objections when and how to be made.*—(1) All claims for inclusion of any name in the electoral roll and all objections to the inclusion of any name or other entries therein shall be made in Forms II and III respectively within fifteen days from the date of publication of the draft electoral roll under rule 7.

(2) No claim or objection shall be entertained by the Registering Authority, if received after the time referred to in sub-rule (1).

10. *Particulars regarding claims and objections.*—(1) A claim for the inclusion of any name in the draft electoral roll must be signed by the person, who desires his name to be so included.

(2) Where objection is made to the inclusion in the draft electoral roll of the name of any person or any other entry, such objection shall contain in respect of such person or entry, as the case may be, all particulars entered in the electoral roll.

(3) No person other than one, whose name is included in the draft electoral roll, shall be eligible to prefer any objection to the inclusion of any name or any other entry in the said roll.

11. *Making of correction in the draft electoral roll.*—(1) The Registering Authority or the agent employed by him under rule 6 may, on receipt of such claims and objections within the period specified in sub-rule (1) of rule 9, make corrections which he considers necessary for the preparation of the complete and accurate electoral roll.

(2) The Registering Authority shall, upon receipt of such application, serve on each of the persons affected by the application a notice specifying the correction, which is proposed to be made and the place where and the time when objections to the proposed corrections shall be heard :

Provided that no such notice shall be served where the Registering Authority is satisfied that the application for correction shall be granted or where the application is one for the correction of a clerical or printing error.

12. *Register of claims and objections.*—A register of all claims and objections shall be maintained by the Registering Authority

13. *Notice regarding claims and objections when to be given*—(1) Subject to the provisions of sub-rule (2) and except in a case where the Registering Authority is satisfied as to the validity of an objection, every person whose application is received within the specified time shall be served with a notice in Form IV by the Registering Authority specifying the place where and the time when his claim or objection shall be heard and directing him to be present with such evidence as he may wish to adduce.

(2) When objection is made by any person to the inclusion of the name of any other person in the draft electoral roll, the Registering Authority shall, except where he is satisfied as to the validity of the objection, serve on such other person a notice in Form V giving the grounds on which the inclusion of the name has been objected to and requiring such person to attend the hearing at the time and place specified in the notice either personally or through a duly authorised agent.

14. *Service of notice.*—Every notice issued by the Registering Authority shall be sent by registered post.

15. *Enquiry into claims and objections by the Registering Authority.*—(1) At the time fixed for hearing, the Registering Authority shall hold a summary enquiry into the claim or objection preferred and shall record his decision thereon and shall, also after considering the objection that may be preferred, decide any application for correction of the electoral roll.

(2) For the purpose of an enquiry under this rule, the draft electoral roll published under rule 7, shall be presumed to be complete and correct until the contrary is proved by the person challenging its correctness.

(3) No party shall have any right to be represented by a legal practitioner in any proceeding under these rules

16. *Decision of the Registering Authority regarding claims and objections to be final.*—(1) The decision of the Registering Authority under rule 15 as regards claims and objections shall be final and the Registering Authority shall thereupon cause the draft electoral roll to be amended in accordance with such decision.

(2) The Registering Authority may also of his own motion correct any mis-spelling which he may discover in the draft electoral roll

17. *Final publication of the draft electoral roll.*—The draft electoral roll with the revisions, if any, made under the foregoing rule shall be published in the manner specified in rule 7, and it shall come into

force from the date of such publication and shall remain in force for a period of two years, after which a fresh electoral roll shall be prepared in accordance with these rules :

Provided that the State Government can direct the preparation of a fresh electoral roll in accordance with these rules at any time before the expiry of the said period of two years.

18. *Amendment after final publication.*—(1) Notwithstanding anything contained in these rules, any person may, after the final publication of the electoral roll under rule 17, apply to the Registering Authority for amendment of such roll.

(2) Where any such application is made for the correction of any entry in the electoral roll and the Registering Authority is satisfied that the entry sought to be corrected relates to the applicant and is erroneous or defective in any particular, he shall correct the entry or remove the defect and cause the electoral roll to be amended accordingly, and the Registering Authority may also of his own motion make any such correction in the electoral roll

(3) Where any application is made for amendment of the electoral roll by inclusion of the name of the applicant, the Registering Authority shall, on payment by the applicant of a fee of rupees ten, make, subject so any direction issued by the State Government in this behalf, such enquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the electoral roll or cause it to be amended accordingly.

(4) All amendments made under sub-rule (2) and (3) shall be published in the office of the Registering Authority and shall, from the date of such publication, be deemed to have come into force and shall remain in force till a fresh electoral roll is prepared.

19. *Custody and preservation of the electoral roll, etc.*—(1) The papers mentioned in the first column of the Schedule to these rules, shall be preserved in the custody of the official mentioned in the second column and for the period specified in the third column thereof.

(2) Any person shall have a right to inspect the election papers mentioned in the Schedule and to get attested copies thereof on payment of a fee of rupees ten.

20. *Interpretation in case of doubt.*—If any question arises as to the interpretation of these rules it shall be referred to the State Government in the Education Department for a decision and such decision shall be final.

FORM I TO V (omitted.)

Published in the Calcutta Gazette, Extraordinary,
Part-I, No. 468, dated September 30, 1982.

DEPARTMENT OF POWER

No. 1245 Power (PR) 30th September 1982.—In exercise of the power conferred by section 22B of the Indian Electricity Act, 1910 (9 of 1910), the Governor is pleased hereby to make the following amendments in the West Bengal Electrical Energy (Maintenance of Supply) Order, 1977, published with this department notification No.

5588 Power, dated the 29th June 1977, at pages 1296(I)-1296(39) of the "Calcutta Gazette, Extraordinary", dated the 29th June 1977, as subsequently amended (hereinafter referred to as the said Order), namely:—

Amendments

In the said Order,—

- (1) in paragraph 2, for the words, letters and figures "the 30th September, 1982", substitute the words, letters and figures "the 31st March, 1983";
- (2) in paragraph 4, in the first sub-paragraph, omit the third and the fourth provisos.

Published in the Calcutta Gazette, Extraordinary, Part I, No. 350
Dated May 18, 1981.

DEPARTMENT OF FOOD AND SUPPLIES

No. 2627F.S./FS/CG/14R-2/80 18th May 1981.—Whereas the Governor is of opinion that it is necessary and expedient so to do for the maintenance of supplies and for securing the equitable distribution and availability at fair prices of Soft Coke in West Bengal;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with clauses (d), (e), (h) and (j) of sub-section (2) of that section add sub-section (1) of section 7 of the said Act and Order No. S O.681. (E), dated the 30th November 1974, of the Ministry of Industry and Civil Supplies and Co-operation, Government of India, the Governor is pleased hereby to make the following **Amendment of the West Bengal Soft Coke Licensing Order 1965**, published with this Department Order No. 3302-FS/CG/F.U /XIIA/4/64, dated the 5th May 1965, in the *Calcutta Gazette Extraordinary*, dated the 5th May 1965, as subsequently amended (hereinafter referred to as the said Order), namely:

Amendment

In the said Order,—

For paragraph 10, substitute the following paragraph :

"10. If it appears to the Director or the District Magistrate, as the case may be, that a dealer has indulged in any malpractice or contravened any provision of this Order or any condition of the license or any direction given under paragraph 12 of this Order, he may forthwith temporarily suspend the license :

Provided that the dealer whose license has been so suspended shall be given an opportunity of being heard before cancellation of the license or revocation of the order of suspension of the licence finally by an order in writing to be made within thirty days from the date of suspension of the license. The order shall be passed *ex parte* if the dealer whose license has been so suspended fails to appear at the hearing "

Published in the Calcutta Gazette, Extraordinary Part I, No. 89
dated March 12, 1982

EDUCATION DEPARTMENT

NO. 114-Edn (S)/8-B4/78—3rd March 1982.—In exercise of the power conferred by sub-section (1) and, in particular by clause (d) of sub-section (2), of section 45 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963), the Governor is

pleased hereby to make after previous publication as required by sub-section (1) of the said section, the following amendments in the Management of Recognised Non-Government Institutions (Aided and Unaided) Rules, 1969 as subsequently amended (hereinafter referred to as the said rules):—

Amendments

In the said rules,—

(1) in sub-rule (2a) of rule 4, after the words “and got approved by the Committee” omit the words “at least thirty days prior to the date of publication on the provisional voters’ list”;

(2) in rule 5, in item (1) of the Explanation, for the words “categories under the provisions of” substitute the words “categories other than category (v) referred to in”.

Published in the Calcutta Gazette, Extraordinary Part I, No. 107
dated February 14, 1983

DEPARTMENT OF LOCAL GOVERNMENT AND URBAN DEVELOPMENT

No. 166/C-4/M3R-8/82—14th February 1983.—In exercise of the power conferred by section 30 of the Howrah Municipal Corporation Act, 1980 (West Ben. Act, LVIII of 1980), the Governor is pleased hereby to make after previous publication as required by sub-section (1) of section 215 of said Act, the following rules :

RULES

PART I

1. *Short title.*—These rules, may be called the **Howrah Municipal Corporation Electoral (Preparation of Electoral Rolls) Rules, 1983.**

2. *Definitions* —In these rules, unless there is anything repugnant in the subject or context —

(i) “the Act” means the Howrah Municipal Corporation Act, 1980 (West Ben. Act LVIII of 1980);

(ii) “Constituency” means a constituency of the Corporation referred to in sub-section (2) of section 5, and as specified in Schedule II to the Act;

(iii) “Corporation” means the Howrah Municipal Corporation established under the Act;

(iv) “Election Authority” means a person appointed by the State Government under sub-section (1) of section 33 of the Act for the preparation, publication, revision, correction and maintenance of the electoral roll and for holding of elections under the Act and includes an Assistant Election Authority appointed under sub-section (1) of section 33 of the Act;

(v) “Form” means a form appended to these rules;

(vi) “Commissioner” means the Commissioner of the Howrah Municipal Corporation as appointed under the Act;

(vii) “Printed copies” include copies made by cylostyle, lithograph or any other mechanical mode of reproduction;

(viii) “roll” means the electoral roll for a constituency of the Corporation;

(ix) "Section" means a section of the Act.

3. *Appointment of staff*—(1) For the purpose of preparation of the electoral roll under section 36 of the Act, the Election Authority shall, in conformity with sub-section (2) of section 33, appoint such staff for such period and on pay as the State Government may sanction

(2) No person in the employment or pay of the Corporation shall, however, be appointed as a member of the staff of the Election Authority for the purpose.

PART II

4 *Manner of preparation of the electoral roll by the Election Authority*.—(i) The electoral roll for Howrah shall be prepared by the Election Authority in the manner prescribed hereinafter.

(ii) There shall be a separate electoral roll for each constituency of the Corporation

(iii) The electoral roll shall be prepared in English and it shall contain the names of every person entitled to be registered as a voter in the constituency in accordance with the provisions of the Act.

(iv) The Election Authority shall collect or cause to be collected information by door-to-door enumeration as in Form I and shall prepare or cause to be prepared a complete preliminary roll of each constituency, as indicated in Form II.

(v) The Election Authority may divide each electoral roll of a constituency in such manner or into such convenient parts as he may deem expedient, each with reference to a street or locality in the constituency, as indicated in Form II.

(vi) The names of electors in each part of the electoral roll shall be arranged according to house number, unless the Election Authority, subject to any general or special instruction issued by the State Government in this behalf, determines in respect of any part that the alphabetical order is more convenient.

(vii) The names of electors in each part of the electoral roll shall be numbered, so far as practicable, consecutively with a separate series of numbers beginning with the number one.

(viii) The Election Authority may, for the purpose of preparing the electoral roll, send letters of request in Form III to the occupants of dwelling houses in the constituency or any part thereof; and every person receiving any such letter shall, to the best of his ability, furnish the information called for therein.

(ix) For the purpose of preparing any electoral roll or deciding any claim or objection in respect of any electoral roll, the Election Authority and any person employed by him shall have access to any register of births or deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to furnish the said Authority or person such information and such extracts from the said register free of cost as he may require.

5. *Publication of the preliminary electoral roll, inviting claims, objections etc.*—(1) After the preliminary electoral roll for every constituency has been made ready, the Election Authority shall publish or cause to be published the same in the following manner and in any

other manner as he thinks fit to give wide publicity in the constituency by affixing for public inspection a complete copy of the roll at—

- (a) the office of Election Authority ;
- (b) the Central Municipal Office of the Corporation ;
- (c) the Municipal District Office and such other Corporation Office or Offices as the Election Authority may think fit, situated within the jurisdiction of which the constituency or part of it may be situated;
- (d) one or more of the police station or stations situated within the constituency or within the jurisdiction of which the Constituency or any part of it may be situated; and
- (e) Municipal markets situated within the Constituency.

(2) Along with the publication of the electoral roll under sub-rule (1), the Election Authority shall also give a public notice in Form IV at all the places of publication mentioned in sub-rule (1) and in every constituency stating that the electoral roll is available for inspection at these places of publication and that claims and objections, if any, shall be preferred in the form and manner as specified in the notice.

(3) Further publicity to the roll and notice.—The Election Authority shall also immediately after publication of the electoral roll give further publicity to the notice mentioned in sub-rule (2) in Form IV by advertising the said notice in such local newspapers as he may think fit.

6. *Sale of printed copies*—Printed copies of the preliminary electoral roll published under rule 5 shall be sold to the public at such prices as may, from time to time, be fixed by the election Authority with the approval of the State Government :

Provided that the Election Authority shall supply free of cost two copies of the preliminary electoral roll for each constituency to every recognised political party in the State as specified by the Election Commission of India.

7. *Period for lodging claims and objections*.—Every claim for inclusion of any name in the electoral roll and every objection to an entry therein shall be lodged within a period of fifteen days from the date of publication of the preliminary electoral roll under rule 5.

Provided that the State Government may, by order, extend the period for preferring claims and objections in respect of any constituency.

8. *Forms for claims, objections and corrections*.—(1) Every claim shall be made—

- (a) in Form V ;
- (b) signed by the person desiring his name to be included in the electoral roll ; and
- (c) countersigned by another person whose name is already included in that part of the roll in which the claimant desires his name to be included.

(2) Every objection to the inclusion of a name in the electoral roll shall be made—

- (a) in Form VI;
- (b) preferred only by a person whose name is already included in that roll ; and

(c) countersigned by another person whose name is already included in that part of the roll in which the name objected to appears.

(3) Every objection for correction of a particular or particulars in an entry in the electoral roll or for transposition of an entry in the roll shall be made—

(a) by application in Forms VII and VIIA, as may be appropriate, and

(b) shall be preferred only by the person to whom that entry relates.

9. *Manner of lodging claims and objections.*—(1) Every claim or objections shall be addressed to the Election Authority and be presented to him or be sent by registered post to him at his office.

(2) The Election Authority shall not entertain any claim or objection after 5 p.m. of the last date for filing claims and objections mentioned in rule 7 ante

(3) Any claim or objection which is not lodged within the period or in the form and manner, herein specified, shall be rejected by the Election Authority.

10. *Maintenance of lists of claims and objections.*—The Election Authority shall—

(a) maintain in duplicate a list of claims in Form VIII, a list of objections to the inclusion of a name in the electoral roll in Form IX and a list of objections to particulars in entries in Form X; and

(b) keep exhibited one copy of each such list on the notice board in his office for public inspection.

11. *Disposal of claims and objections* —(1) If the Election Authority is satisfied as to the validity of any claim or objections, he may allow it without any further enquiry after the expiry of one week from the date on which it is entered in the list exhibited under clause (b) of rule 10 :

Provided that where before any such claim or objection has been allowed, a demand for enquiry has been made in writing to the Election Authority, such claim or objection shall not be allowed without further enquiry.

(2) Where claim or objection is not disposed of under sub-rule (3) of rule 9 or under sub-rule (1) above, the Election Authority shall give notice of the hearing fixing place and time—

(a) in the case of a claim for inclusion in the electoral roll of a constituency, to the claimant in Form XI ;

(b) in the case of an objection against the inclusion of a name, to the objector in Form XII and to the person objected to in Form XIII; and

(c) in the case of an objection to a particular entry to the objector in Form XIV.

(3) A notice of hearing under this rule may be given either personally or by registered post or by affixing it to the persons' residence or last known residence within the constituency.

(4) The Election Authority shall hold a summary enquiry into every claim or objection in respect of which notice has been given under this rule and record his decision thereon.

(5) At the hearing, the claimant, or, as the case may be, the objector and the person objected to and any other person who, in the opinion of the Election Authority, is likely to be of assistance to him, shall be entitled to appear and be heard.

(6) The Election Authority may in his discretion—

(a) require any claimant or objector or person objected to appear in person before him; and

(b) require that the evidence tendered by any person shall be given an oath and administer an oath for the purpose.

12. *Inclusion of names inadvertently left out and deletion of names of dead persons and persons who ceased to be or are not ordinarily residents.*—(1) If it appears to the Election Authority that owing to inadvertence or error during preparation of an electoral roll the names of some persons qualified to be electors, have been left out of the electoral roll and that remedial action should be taken under this rule, the Election Authority shall—

(a) prepare a list of the names and other details of such electors ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the electoral roll will be considered and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the electoral roll.

(2) If it appears to the Election Authority during preparation of the electoral roll that owing to inadvertence or error or otherwise the names of dead person or persons who ceased to be, or are not, ordinarily residents of Howrah have been included in the roll and that remedial action should be taken under this rule, the Election Authority shall—

(a) prepare a list of the names and other details of such electors ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll shall be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names shall be deleted from the electoral roll :

Provided that before taking any action under this rule in respect of any person on the ground that he ceased to be, or is not, ordinarily resident of Howrah, the Election Authority shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed shall not be taken in relation to him.

13. *Final publication of the electoral roll.*—(1) The Election Authority shall thereafter—

(a) prepare a list of amendments or errata, as the case may be, of the electoral roll to carry out his decision under rules 11 and 12 and to correct any clerical or printing error or other inaccuracies subsequently discovered in the electoral roll; and

(b) publish the electoral roll together with the list of amendments and/or errata, by making a complete copy thereof available for inspection, displaying a notice of such publication in Form XV, at—

- (i) the office of the Election Authority;
- (ii) the Central Municipal Office of the Corporation; and
- (iii) the Corporation district office or offices situated within the constituency or constituencies concerned, or within the jurisdiction of which the constituency or any part of it may be situated.

(2) On such publication, the electoral roll together with the list of amendments and/or errata shall be the electoral roll of the constituency.

(3) Where the roll (hereinafter in this sub-rule referred to as the basic roll), together with the list of amendments, and/or errata becomes the electoral roll for a constituency, the Election Authority may, for convenience of all concerned, integrate, subject to any general or special directions issued by the State Government in this behalf, the list of amendments and/or errata with the basic roll by including the names of electors in the said list together with all particulars relating to such electors in the relevant parts of the basic roll itself, so that no change shall be made in process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments and/or errata.

14. *Correction of entries in the electoral roll under sub-section (4) of section 36.*—(1) Every application under sub-section (4) of section 36 shall be made in duplicate in Forms VII and VIIA, as may be appropriate, and shall be accompanied by a challan/or receipt showing payment of a fee of fifty paise either to the Corporation Treasury or to the Election Authority.

(2) The Election Authority shall, immediately on receipt of such application, direct that one copy thereof be displayed in some conspicuous place in his office with a notice inviting objections, if any, to such application within a period of seven days from the date of such display.

(3) The Election Authority shall, as soon as may be, after the expiry of the period specified in sub-rule (2), consider the objections, if any, received by him and upon such enquiry, as he thinks fit, shall, if satisfied that the entry is erroneous or defective, make order accordingly and correct the entry in the electoral roll :

Provided that when an application is rejected by the Election Authority, he shall record in writing, a brief statement of reasons for such rejection.

15. *Appeal from decisions or orders of the Election Authority under section 37 of the Act.*—(1) An appeal shall lie from any order or decision of the Election Authority under rules 11, 12 and 14:

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or his right to make representation to the Election Authority on the matter relating to appeal.

(2) Every appeal under sub-rule (1) shall be—

- (a) in the form of a memorandum signed by the applicant;

(b) accompanied by a copy of the order appealed against and a challan or receipt showing deposit of Rs. 3 only with the Corporation Treasury or the Election Authority; and

(c) presented within fifteen days from the final publication of the electoral roll or from the date of the decision or order of the Election Authority, to the appellate authority appointed under section 37 of the Act.

(3) Every decision of the appellate authority shall be final.

(4) The Election authority, on being informed of the decision of the appellate authority, shall immediately cause such amendments to be made in the electoral roll as may be necessary to give effect to the decisions of the said appellate authority.

16. *Revision of electoral roll under sub-section (3) of section 36 —*

(1) The Election Authority shall, unless otherwise directed by the State Government for reasons to be recorded in writing, revise the electoral roll, before each general election and before each bye-election to fill a casual vacancy in a seat of Councillor, for all or any of the constituencies, as the case may be.

(2) The roll shall be revised intensively or summarily or partly intensively and partly summarily as the State Government may direct.

(3) When the roll is to be revised intensively in any year it shall be prepared afresh and rules 4 to 15 shall apply in relation to such revision as they apply in relation to the preparation of the roll for the first time.

(4) When the roll is to be revised summarily in any year, the Election Authority shall publish for public inspection such roll in draft in the manner as provided in rule 5, inviting claims and objections thereto, with a public notice in Form XVI to be published in the manner as specified in rule 4, followed by the provision for sale or supply of printed copies as contained in rule 6 and thereafter the provisions of rules 7 to 15 shall apply to such revision for preparation of the lists of amendments and/or errata to the relevant parts of the roll and for final publication of the roll under revision together with such lists of amendments or errata.

PART III

PRESERVATION AND DESTRUCTION OF ELECTION ROLL

17. *Custody and preservation of electoral rolls and connected papers—*(1) After the final publication of the electoral roll, the following papers shall be kept in the general record of the Municipal Office of the Corporation—

(i) enumeration pads showing house-to-house enumeration of voters for preparation of the preliminary electoral rolls for the constituencies :

(ii) manuscripts of the preliminary electoral rolls as prepared for printing;

(iii) claims and objections in Forms V, VI, VII and VIIIA as disposed of under the rules, along with the lists in Forms VIII, IX and X and the connected papers, if any;

(iv) papers relating to appeals under rule 15; and
(v) final electoral rolls, namely, electoral rolls published under rule 13 including electoral rolls revised under rule 16.

(2) Three complete copies of the electoral roll for each constituency, duly authenticated by the Election Authority, shall be preserved permanently in the record room of the Central Municipal Office of the Corporation.

18. *Inspection of electoral rolls and connected papers.*—Every person shall have the right to inspect papers referred to in rule 17 and to get attested copies thereof on payment of such fee as may be determined by the Commissioner.

19. *Destruction of electoral rolls and connected papers.*—(1) The papers referred to in clauses (i), (ii) (iii) and (iv) of sub-rule (1) of rule 17 shall be preserved for one year unless their retention for a longer period is ordered by the Election Authority or by a Court of competent jurisdiction. On the expiry of such period of preservation these papers may be destroyed in such manner as the Election Authority may direct.

(2) Copies of the final electoral roll for any constituency in excess of the number required for permanent preservation under sub-rule (2) of rule 17 and for any other public purpose, shall be destroyed at such time and in such manner as the Election Authority may direct with the approval of the State Government and shall be made available for sale to the public until such destruction.

PART IV

GENERAL

20. It shall be the duty of the Commissioner to render necessary assistance to the Election Authority in the discharge of his duties under these rules.

21. Printed copies of the final electoral roll shall, as far as possible, be sold to the public at such prices as may be fixed, from time to time by the Election Authority with the approval of the State Government.

22. All costs incurred in connection with the preparation, publication, printing, republication and maintenance of the electoral roll, publication of notices and taking any other action under these rules shall be payable out of the municipal fund.

23. All officers and employees engaged for the work relating to preparation, revision and publication of the electoral roll shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860) and they shall be paid such emoluments as may be fixed by the State Government, out of the municipal fund.

FORM I

[See rule 4 (iv)]

(Omitted)

FORM II

[See rule 4 (iv)]

(Omitted)

FORM III

[See rule 4 (vii)]

(Omitted)

FORM IV

[See rule 5 (2)]

(Omitted.)

FORM V

[See rule 8 (I) (a)]

To

The Election Authority,
Howrah Municipal Corporation.

Constituency No.....

Sir,

I request that my name be included in the electoral roll in Constituency No.....in Part No.....relating to the election of Councillors to the Corporation.

My Name (in full).....Sex..... Male/Female.

My Father's/Mother's/Husband's Name.....

Particulars of my place or residence are :—

House No.....

Road/Street/Lane.....

Name and address of Landlord.....

Bariwala (if resides in Bustee),

Post Office.....

Police station

District Howrah

I hereby declare to the best of my knowledge and belief :—

(i) that I am a citizen of India ;

(ii) that my age on the qualifying date, i e.,.....was..... years and.....months ;

(iii) that I am ordinarily resident at the address given above ;

(iv) that I have not applied for the inclusion of my name in the electoral roll for any other constituency of Howrah or any other local body.

(v) that my name has not been included in the electoral roll for this or any other constituency of Howrah or any other local body ;

Or,

that my name has been included in the electoral roll for the Constituency No.....of the Corporation under S. No..... of Part No..... and I request that the same may be excluded from that electoral roll.

Place.....

Date.....

Signature or thumb impression of
claimant.

I am an elector and my name has been included in Part..... of the electoral roll under Serial No.-----I support this claim and countersign it

Signature of the elector
(Name of full)

FORM VI

[See rule 8(2) (a)]

Objection to inclusion of name

To

The Election Authority, Howarah Municipal Corporation.
Constituency No

Sir,

I object to the inclusion of the name.....at serial No.....
in Part No.....of the electoral roll for the following
reason(s).

I hereby declare that the facts mentioned above are true to the best of
my knowledge and belief.
My name has been included in the electoral roll for this Constituency as
follows :—

Name in full.....
Father's/Husband's/Mother's name.....
Serial No.....
Part No.....

.....
Signature/thumb impression of objector
(Full postal address)

Date

I am an elector and my name has been included in the same part
of the electoral roll in which the name objected to appears, viz, Part
No..... under serial number I support
this objection and countersign it

Signature of the elector
(Name in full)

FORM VII to FORM XVI
(omitted.)

Published in the Calcutta Gazette, Extraordinary, Part I,
No. 593, dated November 29, 1982

LAND AND LAND REFORMS DEPARTMENT

No. 2144-L Ref./20R-15/81. 26th November 1982.—In exercise of
the power conferred by section 20 of the Calcutta Thika Tenancy
(Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of
1981) the Governor is pleased hereby to make, after previous publication
as required by sub-section (1) of the said section, the following amend-
ments in the Calcutta Thika Tenancy Acquisition and Regulation)
Rules, 1982 published with this department notification No. 710-L. Ref./
20R-15/81, dated the 5th May 1982, in the "Calcutta Gazette, Extra-
ordinary" of the 31st May 1982 (hereinafter referred to as the said
rules), namely :—

AMENDMENTS

In the said rules,—

(i) in sub-rule 3, for the words "two hundred and forty days" substitute the words "three hundred and sixty day";

(ii) in rule 20, for the words "two hundred and forty days" substitute the words "three hundred and sixty days".

Published in the Calcutta Gazette, Extraordinary, Part I, No. 12,
dated January 7, 1983.

**DEPARTMENT OF LOCAL GOVERNMENT AND URBAN
DEVELOPMENT**

No. 24/C-4/M1A 5/80(Pt). *7th January 1983.*—In exercise of the power conferred by sub-section (3) of section 1 of the **Howrah Municipal Corporation Act, 1980** (West Ben. Act LVIII of 1980), the Governor is pleased hereby to appoint the 10th day of January, 1983 as the date on which the said Act shall come into force.

Published in the Gazette of India, Extraordinary, Part I, No. 116,
dated February 19, 1983.

LAND AND LAND REFORMS DEPARTMENT

No 155-L, Ref /20R-14/81. *9th February 1983.*—In exercise of the power conferred by section 25 of the **West Bengal Land Holding Revenue Act, 1979** (West Ben. Act XLIV of 1979), the Governor is pleased hereby to make the following amendment in the **West Bengal Land Holding Revenue Rules, 1980**, published in the "Calcutta Gazette, Extraordinary", dated the 9th April 1981, as subsequently amended (hereinafter referred to as the said rules):—

AMENDMENTS

In sub-rule (1) of rule 9 of the said rules, for the words, figures and letters "within the 31st day of January, 1983", substitute the words, figures and letters "within the 31st day of May, 1983".

LAND AND LAND REFORMS DEPARTMENT

No. 157-L:Ref. *9th February 1983.*—In exercise of the power conferred by section 20 of the **Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981** (West Ben. Act XXXVII of 1981), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the the said section following amendments in the **Calcutta Thika Tenancy (Acquisition and Regulation) Rules, 1982** published with this department notification No. 710-L Ref/20R-5/81, dated the 5th May 1982, in the "Calcutta Gazette, Extraordinary" of the 31st May 1982 as subsequently amended (hereinafter referred to as the said rules), namely:

AMENDMENTS

In the said rules,—

(i) in sub-rule (a) of rule 3, for the words "three hundred and sixty days" substitute the words "four hundred and ninety-nine days";

(ii) in rule 20, for the words "three hundred and sixty days" substitute the words "four hundred and ninety-nine days".

Published in the Calcutta Gazette, Extraordinary
Part I, No. 606, dated December 8, 1982
LABOUR DEPARTMENT

No. 4412.LW-LW/1A-24(A)/79.—6th December 1982—In exercise of the power conferred by section 35 of the Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules ;—

RULES
CHAPTER I
PRELIMINARY

1. *Short title, extent and commencement.*—(1) These rules may be called the West Bengal Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981.

(2) These rules shall extend to the whole of West Bengal

(3) They shall come into force on the date of their publication in "Calcutta Gazette".

2. *Definition.*—(1) In these rules, unless the subject or context otherwise requires—

(a) "the Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979);

(b) "appellate officer" means an appellate officer nominated by the State Government under section 11;

(c) "Form" means a form appended to these rules;

(d) "inspector" means an inspector appointed by the State Government under section 20;

(e) "licensing officer" means the licensing officer appointed by the State Government under section 7;

(f) "migrant workman" means a registering officer appointed by the State Government under section 4.

(g) "section" means a section of the Act;

(h) "specified authority" means the authority specified by the State Government for the purposes of section 12 and 16;

(2) Word and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

CHAPTER II

REGISTRATION OF ESTABLISHMENTS AND ISSUE OF LICENCE

3. *Manner of making application for registration of establishments.*—(1) The application for registration of an establishment shall be made in triplicate in Form I to the registering officer of the area in which the establishment sought to be registered is located.

(2) The application shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.

(3) The application shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application, the registering officer shall, after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

4. *Issue of certificate of registration.*—(1) Where the registering officer registers the establishment, he shall issue to the principal employer a certificate of registration in Form II.

(2) The registering officer shall maintain a register in Form III showing the particulars of the establishments in relation to which certificates of registration have been issued by him.

(3) The concerned registering officer of the State wherein the establishment is located shall, while issuing the certificate of registration to the principal employer of the establishment, send a copy of the relevant application made to him in Form I and an original copy of the said certificate of registration along with his recommendation, to the concerned registering officer of the State from where the migrant workers are proposed to be recruited. On receipt of the same, the registering officer of the latter State, shall record all particulars in this respect as contained in Form I and the certificate of registration, in a register.

(4) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for such change, under intimation to the concerned Licensing Officer of the State from which migrant workers are to be recruited.

5. *Amendment of certificate of registration.*—(1) Where, on receipt of the intimation referred to in sub-rule (4) of rule 4, the registering officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce receipt showing such deposit.

(2) Where, on receipt of the intimation referred to in sub-rule (4) of rule 4, the registering officer is satisfied that there has been change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change thus occurred ;

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment :

Provided further that registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

6. *Application for licence.*—(1) Every application by a contractor for the grant of a licence for recruiting a person under clause (a) of sub-section (1) of section 8 shall be made in triplicate in Form IV to the licensing officer having jurisdiction in relation to the area wherein recruitment is made.

(2) Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of section 8 shall be made

in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.

(3) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by a certificate of the principal employer in Form VI to the effect that he shall be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen, in respect of which the contractor is making, the application alongwith certified copy of the registration certificate of the principal employer.

(4) Every such application shall be either personally delivered to the licensing officer concerned or sent to him by registered post.

(5) On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned shall grant an acknowledgment to the applicant.

(6) Every application referred to in sub-rule (1) shall also be accompanied by a receipt [obtained as required by rule 20.] showing the payment of the licence fee and the security deposit, where necessary.

7. *Matters to be taken into account in granting or refusing a licence.*—In granting or refusing to grant a licence, the licensing officer shall take the following matters into account namely :

(a) whether the applicant—

(i) is a minor, or

(ii) is of unsound mind and stands so declared by a competent court, or

(iii) is an undischarged insolvent, or

(iv) has been convicted at any time during the period of five years immediately preceding the date of application, of an offence which in the opinion of the State Government, involves moral turpitude;

(b) whether any order has been made in respect of the applicant under sub-section (1) of section 10, and if so, whether a period of three years has lapsed from the date of that order ;

(c) whether the fees for the application has been deposited at the rates specified in rule 11 ; and

(d) whether security, wherever necessary, has been deposited by the applicant at the rates specified in sub-rule (1) of rule 9

8. *Investigation in respect of application for licence.*—(1) On receipt of the application from the contractor, and as soon as possible thereafter, the licensing officer shall investigate, or cause an investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and eligibility of the applicant for a licence.

(2) (i) Where the licensing officer is of opinion that the licence shall not be issued, he shall after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

(ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

9. *Security*—(1) Where the licensing officer is satisfied in accordance with the procedure laid down in the proviso to sub-section

(2) of section 8, that any person who has applied for or who has been issued a licence shall furnish security for the due performance of the conditions of the licence, he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering the solvency of such person determine the amount of the security to be furnished by such person, which shall not exceed forty per cent. of the amount estimated by him.

(2) Where the applicant for the licence was holding a licence in regard to another work and that the said licence had expired, the licensing officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under rule 15, he may, on an application made for that purpose in Form VII by the applicant adjust the amount to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit in such a case, only the balance amount, if any, after making such adjustment.

10. *Forms and terms and conditions of licence.*—(1) Every licence issued, under sub-section (1) of section 8 shall be in Form VIII. The licence shall remain valid till the end of the calendar year during which it is issued and may be renewed for a further period of one year from the date of expiry of the licence, in the manner laid down in rule 13.

(2) Every licence granted or renewed under sub-rule (1) shall be subject to the following conditions, namely :

(i) the licence shall be non-transferable ;
(ii) the terms and conditions of the agreement or arrangement under which the migrant workman is recruited or employed as are specified in the Act and in the rules made thereunder ;

(iii) the number of migrant workmen recruited or employed shall not, on any day, exceed the maximum number specified in the licence, during any calendar year ;

(iv) the number of workmen recruited or employed as migrant workmen in the establishment shall not on any day, exceed the maximum number specified in condition (iii) ;

(v) the rates of wages payable to the migrant workman by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (11 of 1948), for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed ;

(vi) save as provided in these rules, the fees paid for the issue, or as the case may be, for renewal of licences shall be non-refundable ;

(vii) (a) in cases where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment of the same or similar kind of work :

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Labour Commissioner, West Bengal whose decision thereon shall be final ;

(b) in other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as contained in these rules ;

(vii) every migrant workman shall be entitled to allowances, benefits, facilities, etc., as provided in the Act, and in these rules ;

(ix) no female migrant workman shall be employed by any contractor before 6 a.m. or after 7 p.m. ;

Provided that this clause shall not apply to the employment of female migrant workman in pit head baths, creches and canteens and midwives and nurses in hospitals and dispensaries ;

(x) the contractor shall notify any change in the number of migrant workmen or the condition of work to the licensing officer ;

(xi) the contractor shall comply with all the provisions of the Act, and these rules ;

(xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed ;

(xiii) the period for which the licence shall be valid.

11. *Fees.*—(1) The fees to be paid for the registration of an establishment under section 4 shall be as specified below :

if the number of migrant workman proposed to be employed in the establishment on any day—

	Rupees.
(a) is 5 or more but does not exceed 20 ...	30.00
(b) exceeds 20 but does not exceed 50 ...	75.00
(c) exceeds 50 but does not exceed 100 ...	150.00
(d) exceeds 100 but does not exceed 200 ...	300.00
(e) exceeds 200 but does not exceed 400 ...	600.00
(f) exceeds 400 but does not exceed 800 ...	900.00
(g) exceeds 800 but does not exceed 1,000. ...	1,000.00
(h) exceeds 1,000 ...	1,500.00

(2) The fees to be paid for the grant of licence under section 9 shall be as specified below :—

if the number of migrant workmen recruited or employed by the contractor on any day—

	Rupees.
(a) is 5 or more but does not exceed 20 ...	10.00
(b) exceeds 20 but does not exceed 50 ...	20.00
(c) exceeds 50 but does not exceed 100 ...	40.00
(d) exceeds 100 but does not exceed 200 ...	80 00
(e) exceeds 200 but does not exceed 400 ...	160 00
(f) exceeds 400 but does not exceed 750 ...	200.00
(g) exceeds 750 but does not exceed 1,000 ...	250 00
(h) exceeds 1,000 but does not exceed 2,000 ...	350.00
(i) exceeds 2,000 ...	500.00

12. *Amendment of the licence.*—(1) A licence issued under sub-section (1) of section 8 or renewed under rule 13 may, for good and sufficient reasons, be varied or amended by the licensing officer.

(2) The contractor who desires to have the licence amended shall submit to the licensing officer an application stating the nature of amendment and the reasons [thereof] therefor.

(3) If the licensing officer allows the application he shall require the applicant to furnish a treasury receipt for the amount, if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the licence.

(4) On the applicant furnishing the licensing receipt, the licence shall be amended according to the orders of the licensing officer.

(5) Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

13. *Renewal of licence.*—(1) Every contractor may apply to the licensing officer for renewal of the licence.

(2) The application shall be in Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made, the licence shall be deemed to have been renewed until such date when the renewed licence is issued.

(3) The fees for renewal of the licence [shall be same as] for the grant thereof.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty-five per cent. in excess of the fee ordinarily payable for the licence shall be payable for such renewal.

Provided further that [in case of] where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor he may reduce or remit the payment of such excess fee.

14. *Issue of duplicate certificate of registration or licence.*—Where a certificate of registration or a licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, duplicate thereof may be granted on payment of a fee of ten rupees.

15. *Refund of security.*—(1) On the expiry of the period of licence the contractor may, if he does not intend to have his licence renewed and get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of rule 9, make an application to the licensing officer for the refund of the security, if any, deposited by him under rule 9.

(2) If the licensing officer is satisfied that there has been no breach of the conditions of licence or there is no order under section 10 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.

(3) If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant.

(4) The application for refund shall, as far as possible, be disposed of within sixty days of the receipt of the application.

16. *Appeals and procedure.*—(1) Every appeal under section 11 shall be preferred in the form of a memorandum signed by the appellant or his authorised agent and presented to the appellate officer in person or sent to him by registered post

(2) The memorandum shall be accompanied by a certified copy of the order and a treasury receipt showing payment of twenty-five rupees.

(3) The memorandum shall set forth precisely and under distinct heads the grounds of appeal to the order appealed from.

(4) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may be rejected or returned to the appellant for the purpose of being amended within the time to be fixed by the appellate officer.

(5) Where the appellate officer rejects the memorandum of appeal under sub-rule (4) he shall record the reasons for such rejection and communicate the same to the appellant.

(6) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose.

(7) When the appeal has been admitted, the appellate officer shall send a notice to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred. The registering officer or, as the case may be, licensing officer shall thereupon send the record of the case to appellate officer.

(8) On receipt of the record under sub-rule (7) the appellate officer shall send a notice to the appellant to appear before him on such date, time and place, as may be specified in the notice, for the hearing of the appeal.

(9) If on the date fixed for the hearing, the appellant or his authorised agent does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

(10) Where an appeal has been dismissed under sub-rule (9), the appellant may apply to the appellate officer for the re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing the appellate officer shall restore the appeal on its original number.

(11) An application under sub-rule (10) shall unless the appellate officer extends the time for sufficient reason, be made within thirty days of the date of dismissal.

(12) If the appellant or his authorised agent is present when the appeal is called his authorised agent, and any other person summoned by him for the purpose and pronounce judgement on the appeal either confirming, reversing or modifying the order appealed from.

(13) The judgement of the appellate officer under sub-rule (12) shall state the points for determination, decisions thereon and the reasons for the decisions.

(14) The order shall be communicated to the appellant or his authorised agent and a copy thereof shall be sent to the registering officer, as the case may be, from whose order the appeal has been preferred.

(15) A copy of the order of the appellate officer may be obtained on payment of fees of Rs. 5 per copy for each order on application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER III

DUTIES OF THE CONTRACTOR

17. *Particulars of migrant workman.*—(1) Every contractor shall furnish to the specified authorities the particulars regarding recruitment and employment of migrant workman in Form X.

(2) The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by registered post.

18. *Return fare.*—The contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in home-State of the migrant workman on the expiry of the period of employment and also on—

(a) termination of service before the expiry of the period of employment for any reason whatsoever

(b) being incapacitated for further employment on account, of injury or continued ill health duly certified as such by a registered medical practitioner;

(c) cessation of work in the establishment which is not due to any fault on the part of the migrant workman; and

(d) resignation from service on account of non-fulfilment of terms and conditions of his employment by the contractor.

19. *Pass book.*—In the pass book referred to in clause (b) of sub-section (1) of section 12, the following additional particulars shall be indicated separately in respect of each wage period within three days from the date of payment;

(a) the date of recruitment;

(b) the date of employment;

(c) wage period, total attendance/unit of work done (in respect of piece-rated migrant workmen), total wages earned/deductions, if any made/net amount paid and signature of contractor or his duly authorised representative with date; and

(d) the name and address of the next of kin of migrant workman.

20. *Return and report.*—Every contractor shall furnish in Form XI a return regarding a migrant workman who has ceased to be employed, with detailed reasons for such cessation of work to the specified authorities either personally or by registered post so as to reach them not later than fifteen days from the date the migrant workman ceases to be employed.

CHAPTER IV

WAGES

21. *Rate of wages.*—The rate of wages of a migrant workman in an establishment where he is required to work which is neither the same

nor of similar kind as is being performed by any other workman in that establishment, shall not be less than the rate of wages paid by the principal employer to a workman in the lowest category of workman directly employed by him in that establishment or the minimum rates of wages notified by the State Government under the Minimum Wages Act, 1948 (11 of 1948) for the same or similar type of work performed by workman in any scheduled employment in the area in which the establishment is located or the rates of wages payable to the workmen for performing the same or similar kind of work in that establishment in that State in which the establishment is located, whichever is higher.

22. *Wage period.*—(1) The contractor shall fix wage periods in respect of which wages shall be payable.

(2) No wage period shall exceed one month.

23. *Payment of wages.*—The wages of every migrant workman in an establishment by a contractor where less than one thousand workman are employed shall be paid by a contractor before the expiry of the seventh day and in order cases before the expiry of tenth day of the following month.

24. *Payment of wages on termination of employment.*—Where the employment of any migrant workman is terminated by or on behalf of the contractor, the wages earned by the migrant workman shall be paid before the expiry of the second working day from the day on which his employment is terminated.

25. *Time and place of payment wages.*—All payments of wages shall be made by the contractor on working day at the work premises and during the working time and on a date notified in advance and, in case the work is completed before the expiry of the scheduled period, final payment shall be made within forty-eight hours of the last working day.

26. *Wages may be paid to the person authorised.*—(1) Wages due to every migrant workman shall be paid to him direct or to any person duly authorised by him in this behalf.

(2) All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (4 of 1936).

27. *Notice for disbursement of wages.*—A notice showing the wage period and the place and time of disbursement of wages shall be kept exhibited within the premises of the establishment where the migrant workmen are employed.

28. The authorised representative of the principal employer shall record under his signature (indicating his name and designation within bracket) a certificate at the end of all the entries in the register of wages or the wage-cum-muster roll, as the case may be in the following form :

Certified that the amount shown in column No.....has been

CHAPTER V

OTHER FACILITIES

29. *Holidays, hours of work and other conditions of service.*—Holidays, hours of work and other conditions of service of migrant workmen specified in clause (a) of sub-section (1) of section 13 shall not be less

favourable than those obtaining in the same or similar kind of work in that establishment or similar employments in the area in which the establishment is located, as the case may be.

30. *Medical facilities.*—(1) The contractor shall ensure provision of suitable and adequate medical facilities of outdoor treatment of any ailment from which the migrant workman or any member of his family may suffer during his employment in the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from market on the basis of the prescription issued by any physician provided by the contractor or the principal employer, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by migrant workman.

(2) If during his employment a migrant workman or any of the members of the family of such workman requires hospitalisation, the contractor shall promptly arrange for the hospitalisation of the migrant workman or any member of his family. The contractor shall bear expenses on treatment, hospital charges (including diet), if any, and travel expenses for the patient from the place to his residence to the hospital and back.

(3) Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workman or part thereof.

(4) The first-aid box shall be distinctly marked with a red cross on a white ground and shall contain the following equipments, namely :—

(a) for the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipments :—

- (i) six small sterilised dressings,
- (ii) three medium sterilized dressings,
- (iii) three large size sterilized dressings,
- (iv) three size sterilized dressings,
- (v) one (30 ml.) bottle containing a two per cent. alcoholic solution
- (vi) one (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label,
- (vii) one snake-bite lancet,
- (viii) one (30 grams) bottle of potassium permanganate crystals,
- (ix) one pair of scissors,
- (x) one copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute, Government of India,
- (xi) a bottle containing one hundred tablets (each of five grains) of aspirin,
- (xii) ointment for burns, and
- (xiii) a bottle of suitable surgical anti-septic solution,

(b) for the establishments in which the number of migrant workmen exceeds fifty, each first-aid box shall contain the following equipments:

- (i) twelve small sterilized dressings,
 - (ii) six medium size sterilized dressings,
 - (iii) six large size sterilized dressings,
 - (iv) six large size sterilized burn dressings,
 - (v) six packets each of 15 grams sterilized cotton wool,
 - (vi) one (60 ml.) bottle containing a two per cent. alcoholic solution of iodine,
 - (vii) one (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label,
 - (viii) one roll of adhesive plaster,
 - (ix) a snake-bite lancet,
 - (x) one (30 grams) bottle of potassium permanganate crystals,
 - (xi) one pair of scissors,
 - (xii) one copy of the first-aid leaflet issued by the Director-General of Factory Advisory Service and Labour Institute, Government of India,
 - (xiii) a bottle containing one hundred tablets (each of five grains) of aspirin,
 - (xiv) ointment for burns, and
 - (xv) a bottle of suitable surgical anti-septic solution.
- (5) Adequate arrangements shall be made for immediate recoupment when necessary.
- (6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.
- (7) The first-aid box shall be under the charge of a responsible person who shall always be readily available during the working hours of the establishment.

(8) The person in-charge of the first-aid box shall be a person trained in first-aid treatment, in establishments where the number of migrant workmen is one hundred and fifty or more.

31. Protective clothing.—(1) The contractor shall provide to every migrant workman where the temperature falls below twenty degree centigrade, protective clothing consisting of one woollen coat and one woollen trouser once in two years :

Provided that where the temperature falls below five degrees centigrade one woollen overcoat shall also be provided to the migrant workman once in three years.

(2) The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September whichever is earlier.

32 Liability of the principal employer in certain cases.—If any allowance required to be paid under section 14 or section 15 to a migrant workman employed in an establishment to which this Act applies is not paid by the contractor or if any facility specified in section 16 is not provided for the benefit of such migrant workman such allowance shall be paid, or as the case may be, the facility shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor :

Provided that in case of ailment requiring urgent medical attention or hospitalisation, as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

CHAPTER VI

REGISTERS AND RECORDS—COLLECTION OF STATISTICS

33. *Registers of contractors.*—Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

34. *Register of persons employed.*—Every principal employer and contractor shall maintain in respect of each establishment where he employs migrant workmen a register in Form XIII.

35. *Service Certificate.*—On termination of employment for any reason whatsoever the contractor shall issue to the migrant workman whose services have been terminated a service certificate in Form XIV.

36. *Displacement-cum-outward journey allowance sheet and return journey allowances register.*—(1) Every contractor shall maintain a sheet for payment of displacement-cum-outward journey allowances required to be paid under sections 14 and 15 in Form XV, and a register for return journey allowance as required to be paid under section 15 in Form XVI.

(2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor.

37. *Muster roll wages register, deduction register and overtime register.*—(1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder or the Minimum Wages Act, 1948 (11 of 1948) and the rules made thereunder, or the Contract Labour Regulation and Abolition Act, 1970 (37 of 1970) and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Acts and rules shall be deemed to be registers and records to be maintained by the contractor under these rules:—

- (a) muster roll,
- (b) register of wages,
- (c) register of deductions,
- (d) register of fines,
- (e) register of overtime, and
- (f) register of advances

(2) In respect of establishment not covered by any of the Acts or the rules referred to in sub-rule (1) the following provisions shall apply:—

(a) every contractor shall maintain a muster roll register and register of wages in Forms XVII and [Forms] XVIII respectively ;

(b) signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor, and duly certified by the authorised representative of the principal employer as required by rule 28 ;

(c) register of deductions for damage or loss, register of fines and

register of advances shall be maintained by every contractor in Forms XIX, XX and XXI respectively ;

(d) every contractor shall maintain a register of over-time in Form XXII.

(1) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance and the provisions of any other Act or the rules framed thereunder or any other law or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable Form or Forms in lieu of any of the Forms prescribed under these rules, may be used with the previous approval of the Labour Commissioner, West Bengal.

38. *Maintenance and preservation of registers.*—(1) All registers and other records required to be maintained under the Act and the rules shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work-place or at a place, if any specified by the inspector on the specific request made by the contractor in this behalf.

(2) All the registers shall be maintained legibly in English or Bengali and in the language understood by the majority of the migrant workmen engaged in the work.

(3) All the registers and other records shall be preserved in original for a period of three calendar years from the date of last entry made therein.

(4) All the registers, records and notices maintained under the Act or the rules made thereunder shall be produced on demand before the inspector or the Labour Commissioner, West Bengal or any other authority under the Act or any person authorised in that behalf by the State Government.

(5) Where no deduction has been made or no fine has been imposed or no over-time has been worked during any wage period a 'NIL' entry shall be made across the body of the register at the end of every wage period indicating also in precise terms the wage period to which the 'NIL' entry relates in the registers maintained in Forms XIX, XX and XXI respectively.

39. *Display of an abstract of the Act and the rules.*—Every contractor shall display an abstract of the Act and these rules in English or Bengali and in the language spoken by the majority of migrant workmen.

40. *Notices.*—(1) Notices showing the rates of wages, hours of work, wage periods, weekly holiday, dates of payment of wages, names and addresses of the inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and Bengali and in the language understood by the majority of migrant workmen in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.

(2) The notices shall be correctly maintained in a clean and legible condition.

(3) Copies of the notices shall be sent to the inspector having jurisdiction and whenever any change occurs, the same shall be communicated to him within seven days of effecting such changes.

41. *Periodical returns.*—(1) Every contractor shall furnish in respect of every migrant workman who ceases to be employed a half-yearly return in Form XXIII, in duplicate so as to reach the specified authority in the State from which he is recruited and in the State in which he is employed not later than thirty days from the close of the half-year.

Note.—Half-year for the purpose of this rule means a period of six months commencing from the 1st day of January and July every year.

(2) Every principal employer of a registered establishment shall send annually a return in Form XXIV, in duplicate so as to reach the registering officer concerned not later than the 15th February following the end of the year, to which it relates, with a copy thereof sent to the registering Officer of the State from which migrant workmen have been drafted and engaged in the establishment during the period in question.

42. *Power of Inspector to call for information in relation to the migrant workmen.*—(1) An inspector shall have powers to call for at any time by an order in writing any information or statistics in relation to the migrant workmen so drafted, from the concerned contractor or the principal employer in that State in which the migrant workmen have been engaged.

(2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so

CHAPTER VII

LEGAL AID TO MIGRANT WORKMEN

43. *Legal Aid.*—On receipt of a written application from a migrant workman or in the event of his death, from next of his kin for providing legal aid in relation to any proceeding before the authority under section 15 of the Payment of Wages Act, 1939 or the authority under sub-section 20 of the Minimum Wages Act, 1948 or appropriate Labour Court under sub-section (2) of section 33-C of the Industrial Disputes Act, 1974 or Commissioner of Workmen's Compensation under the Workmen's Compensation Act, 1923 in which the migrant workman or his legal heir or dependant is a party during stay of the migrant workman in the area in which the work-place is located or after his return to his home State, the authority concerned in such case, if he is satisfied, may with the approval of the Labour Commissioner of the State, engage an Advocate to conduct the relevant proceedings in the concerned Court on behalf of the migrant workman or his legal heir or department and meet all legal expenses in the regard

CHAPTER VIII

POWERS OF INSPECTORS

44. *Exercise of power by an inspector*—An inspector shall exercise all or any of the powers conferred by or under these rules.

FORM I

[See rule 3(1).]

Application for registration of establishment employing migrant workmen.

1. Name and location of the establishment.
 2. Postal address of the establishment.
 3. Full name and address of the principal employer (furnish father's/husband's name in the case of individuals).
 4. Name and address of the Directors/Particulars of partners (in case of companies and firms.)
 5. Full name and address of the manager or person responsible for the supervision and control of the establishment,
 6. Number and date of registration of the establishment under the Contract Labour (Regulation and Abolition) Act, 1970.
 7. Nature of work carried on in the establishment.
 8. Particulars of contractors and migrant workmen :
 - (a) Names and addresses of contractor :
 - (b) Nature of work for which migrant workmen are to be recruited or are employed ;
 - (c) Maximum number of migrant workmen are to be employed on any day through each contractor :
 - (d) Estimated date and commencement of work under each contractor :—
 - (e) Estimated date of termination of employment of migrant workmen under each contractor :
 9. Particulars of Treasury receipts (Original Treasury receipts to be enclosed) (Name of the Treasury Amount, Number and Date).
- I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer.
Seal and Stamp.

Date of receipt of application.

Office of the Registering Officer.

FORM II

[See rule 4 (1).]

Certificate of Registration

Date.....

GOVERNMENT OF WEST BENGAL

Office of the Registering Officer.

A Certificate of registration containing the following particulars is hereby granted under clause (a) of sub-section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the rules made thereunder to.....

1. Nature of work carried on in the establishment :
2. Names and addresses of contractors :
3. Nature of work for which migrant workmen to be employed or are employed :
4. Maximum number of migrant workmen to be employed on any day through each contractor :
5. Other particulars relevant to the employment workmen :—
 - (i)
 - (ii)

Signature of Registering Officer with Seal.

FORM III
[See rule 4 (2)]
Register of Establishments

Sl. No.	Registration No. and date	Name and address of the establishment register- ed	Name of the principal employer and his address,	Type of business trade, industry, manufacture or occupation which is carried on by the estab- lishment.	Maximum number of migrant workmen directly employed on any day.
1	2	3	4	5	6
Particulars of contractor and Inter-State Migrant Workman					
	Name and address of contractor	Nature of work for which mig- rant workman are to be recrui- ted or an employed	Maximum number of maigrant work man employed on any day through a contractor.	Probable duration of employment of migrant workmen.	Reamarks
7		8	9	10	11

FORM IV
[See rule 6 (1).]
Application for grant of licence for recruitment

1. Name and address of the contractor (including his father's/ husband's name in the case of individuals) with number and date of licence obtained by the contractor under Contract Labour (Regulation and Abolition) Act, 1970 from(particulars of the authority to be mentioned here).

2. Date of birth and age (in case of individuals).

3. Particulars of establishment where migrant workmen are to be employed—

(a) Name and address of the establishment :

(b) Type of business, trade, industry, manufacture of occupation, which is carried on in the establishment :

(c) Number and date of certificate of registration of the estab- lishment under the Act, along with a certified copy thereof and the particulars in Form I :

(d) Name and address of the principal employer :

4. Particulars of migrant workmen—

(a) Nature of work in which migrant workmen are employed or are to be employed in the establishment :

(b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending) ;

(c) Name and address of the agent or manager of the contractor at the work-site :

(d) Maximum number of migrant workmen proposed to be em- ployed in the establishment on any date :

(e) Names and address of the Directors/Partners (in case of companies and firms) :

(f) Name(s) and address(es) of the person(s) in charge of and

responsible to the company/firm for conduct of the business of the company/firms, as the case may be :

5. Whether the contractor was convicted of any offence within the preceding five years, if so, give details.

6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.

7. Whether the contractor has worked in any other establishment within the past five years, if so, give details of the principal employer, establishment and nature of work.

8. Whether a certificate by the principal employer in Form VI is enclosed.

9. Amount of licence fee paid (with number and date of Treasury Receipt).

10. Amount of security deposit, if any.

DECLARATION

I hereby declare that the details given above are correct to the best of my knowledge and belief.

Place.....

Date.....

(Signature of the Applicant)
(Contractor).

Note.—The application shall be accompanied by Treasury Receipts showing the payment of the prescribed licence fee and security deposit, if any, and a certificate in Form VI from the principal employer.

(To be filled in the office of the Licensing Officer)

Date of receipt of the application with Treasury Receipts for fees.

Signature of the Licensing Officer.

FORM V

[See rule 6(2).]

Application for Licence for Employment

1. Name and address of the Contractor (including his father's husband's name in case of individuals) with number and date of licence obtained by the Contractor under the Contract Labour (Regulation and Abolition) Act, 1970 from..... particulars of the authority to be mentioned here alongwith a copy of the licence issued under section 8(1)(a).

2. Date of birth and age (in case of individuals).

3. Particulars of establishment where migrant workmen are to be employed—

(a) Name and address of the establishment;

(b) Type of business, trade, industry, manufacture of occupation, which is carried on in the establishment :

(c) Number and date of registration of the establishment under the Act :

(d) Name and address of the principal employer :

4. Particulars of migrant workmen—

(a) Nature of work in which migrant workmen are employed or are to be employed in the establishment :

(b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending) :

(c) Name and address of the agent or manager of the contractor at the work-site :

(d) Maximum number of migrant workmen proposed to be employed in the establishment on any date :

(e) Names and addresses of the Director/Partners (in case of companies and firms);

(f) Name (s) and address(es) of the person (s) in charge of and responsible to the company/firm for the conduct of the business of the company/firm, as the case may be.

5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.

6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.

7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment and nature of work.

8. Whether a certificate by the principal employer in Form VI is enclosed.

9. Amount of licence fee paid (with number and date of Treasury Receipt).

10. Amount of security deposit, if any.

DECLARATION

I hereby declare that the details given above are correct to the best of my knowledge and belief.

Place.....

Date.....

Signature of the Applicant,
(Contractor).

Note.—The application shall be accompanied by a Treasury receipt, showing the payment of the prescribed licence fee and security deposit, if any, and a certificate in Form VI from the principal employer.

(To be filled in the office of the Licensing Officer)

Date of receipt of the application with Treasury receipt for fees
Signature of the Licensing
Officer.

FORM VI

[See rule 6 (3)]

Form for Certificate by Principal Employer.

Certified that I have engaged the applicant (name and address of the contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the West Bengal Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981 in so far as the provisions are applicable to me in respect of the employment of migrant workmen by the applicant in my establishment.

Place.....

Date.....

Signature of principal employer.

Name and address of
establishment.**FORM VII**

[See rule 9 (2).]

Application for adjustment of security Deposit.

Name and address of the contractor.	Number and date of application for fresh licence.	Date of expiry of previous fresh licence.	Whether the previous licence of the contractor was suspended or revoked.	Number and date of the Treasury receipt of security deposit in respect of the previous licence.	Amount of previous security deposit.
(1)	(2)	(3)	(4)	(5)	(6)

Amount of security deposit for the fresh licence	Number and date of Treasury receipt of the balance security deposited with the fresh application.	Number and date of certificate of registration of the establishment in relation to which the fresh licence is applied for.	Name and address of the principal employer.	Particulars of fresh application	Remarks.
(7)	(8)	(9)	(10)	(11)	(12)

Place.....

Date.....

Signature of applicant.

FORM VIII

[See rule 10 (1).]

Office of the Licensing Officer.

Licence No.

Dated

Fee paid Rs.

Licence

Licence is hereby granted to.....(Contractor) under sub-section (1) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, subject to the conditions specified in the Annexure.

1. This licence is for doing the work of.....(nature of work to be indicated) in the establishment of.....(name of principal employer to be indicated) at.....(place of work to be indicated), by the migrant workmen recruited from.....(name of the police-station, district and State to be indicated) through Shri.....

.....(name and address of the Agent to be indicated) whose number shall not exceed

2. The licence shall remain in force till the 31st December of..... (Year in which issued to be mentioned here).

Signature and Seal of Licensing

RENEWAL

(See rule 12.)

Date of renewal

Fee paid for renewal

Dated of expiry

1.

2.

3.

Date

Signature and Seal of the Licensing Officer.

ANNEXURE

The licence is subject to the following conditions :—

1. The licence shall be non-transferable.

2. The number of workmen employed as migrant workmen in the establishment shall not, on any day exceed the maximum number specified in the licence, during the calendar year for which it issued or last renewed.

3. Save as provided in these rules the fees paid for the grant, or as the case may be, for renewal of licence shall be non-refundable.

4. The rates of wages payable to the migrant workmen by the contractor shall not be less than prescribed under the Minimum Wages Act, 1948, for such employment or for work of similar kind on nature and where the rates have been fixed by agreement, settlement or award not less than the rates so fixed.

5. (a) In case where the migrant workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work :

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Labour Commissioner of the State whose decision shall be final.

(b) In other cases the wage rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules.

6. Every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and these rules.

7. No female migrant workman shall be employed by any contractor before 6 a.m. or after 7 p.m.

Provided that this clause shall not apply to the employment of female migrant workman in pit head baths, creches and canteens and midwives and nurses in hospitals and dispensaries.

8. The contractor shall notify any change in the number of migrant workmen or the conditions of work to the Licensing Officer.

9. The contractor shall comply with all the provisions of the Act and these rules.

10. A copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed.

FORM IX

[See rule 13 (2).]

Application for Renewal of Licence

1. Name and address of the contractor :
2. Number and date of the licence :
3. Date of expiry of the previous licence:
4. Whether the licence of the contractor was suspended or revoked
5. Number and date of the Treasury Receipt enclosed:

Place.....

Date.....

Signature of the Applicant.

(To be filled in the office of the Licensing Officer).

Date of receipt of the application with Treasury Receipt number and date.

Signature of the Licensing Officer.

FORM X

[(See rule 17 (1).)]

[Form in which to furnish particulars in respect of recruitment and employment of migrant workman/workmen prescribed under sub-rule (1) of rule 17 to the authorities specified under the explanation below sub-section (2) of section 12 of the Intea-state Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979]

Deleted

FORM XI

[See rule 20]

[Return to be sent by the contractor to the authorities specified under explanation below sub-section (2) of section 12 of the Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979]

Deleted

FORM XII

(See rule 33.)

Register of Certificates

FORM XIII

(See rule 34)

Register of workman Employed by Principal Employer Contractor

Name and address of contractor.....
 Name and address of establishment.....
 Name and address of principal employer.....

Sl. No.	Name and Surname of migrant workmen	Age and Sex.	Father's/ Husband's Name	Nature of employment	Permanent home address of migrant workman (Village and Tehsil/Taluk and District)	Local address	Date of commencement of employment	Signature of migrant workman.	Date of impression of migrant workman.	Reasons for termination of employment	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
Signature of Principal Employer Contractor.											

FORM XIV

(See rule 35.)

Service Certificate

Name and address of contractor.....
 Name and location of work.....
 Name and address of the migrant workman.....
 Age or date of birth.....
 Identification marks.....
 Father's/Husband's Name.....

Name and address of establishment in/under which migrant workmen are employed.....
 Name and address of principal employer.....

Sl. Total period for which employed Nature of work done Rate of wages (with particulars of unit in case of piece-work) Remarks
 No. From To 3 4 5 6

Signature of Contractor

FORM XV

[See rule 36 (1)]

Displacement-Cum-outward Journey Allowances Sheet
(Deleted)

FORM XVI

[See rule 36 (1)]

Return Journey Allowance Register
(Deleted)

FORM XVII

[See rule 37(2)(a)]

Muster Roll Register
(Deleted)

FORM XVIII

[See rule 37 (2)(a)]

Register of wages
(Deleted)

FORM XIX

[See rule 37 (27)(e)]

Register of Deductions for Damage or Loss
(Deleted)

FORM XX

[See rule 37(2)(c).]

Register of fines
(Deleted)

FORM XXI

[See rule 37(2)(c).]

Register of Advance
(Deleted)

FORM XXII

[See rule 37(2)(d).]

Register of Overtime
(Deleted)

FORM XXIII

[See rule 41 (1).]

Return to be sent by the contractor to the specified authority

Half-year ending.....

1. Name and address of the contractor ...
2. Name and address of the establishment.
3. Name and address of the principal employer

4. Duration of contract Form To
5. Number of days during the half-year on which— _____
- (a) the establishment of the principal employer had worked.
- (b) the contractor's establishment had worked
6. Maximum number of inter-State migrant workmen employed on any day during the half year
7. (i) Daily hours of work and spread over
- (ii) (a) whether weekly holiday observed and on what day
- (b) if so, whether it was paid for
- (iii) Number of manhours of overtime worked
8. Number of mandays worked by ... Men Women Children Total
9. Amount of wages paid Men Women Children Total
- Note :—Wages shall not include wages for periods of outward and return journeys
10. Amount of deductions from wages, if any Men Woman Children Total
11. Amount of displacement allowance paid Men Woman Children Total
12. Amount of outward journey allowance paid Men Woman Children Total
13. Amount of wages for outward journey period paid Men Woman Children Total
14. Amount of return journey allowance paid Men Women Children Total
15. Amount of return journey allowance paid Men Woman Children Total
16. Whether the following have been provided :—
- (i) Residential Accommodation
- (ii) Protective clothing
- (iii) Medical facilities
- (iv) First-Aid

(If the answer is 'yes' state briefly nature/standards provided)

It is hereby declared that all the wages and other dues payable to the workmen and the fare for the return journey back to his State have been paid.

Place.....

Date.....

Signature of Contractor.

FORM XXIV

[See rule 41 (2).]

**Annual Return of Principal Employer to be sent to the
Registering Officer**

1. Full name and address of the principal employer. Year ending
31st December
2. Name of Establishment.
 - (a) District
 - (b) Postal Address
 - (c) Nature of the operation/industry/work carried on
3. Full name of the Manager or person responsible for supervision and control of the establishment. ...
4. Number of contractors who worked in the establishment during the year (Give details in Annexure). ...
5. Nature or work/operations in which migrant workman was employed. ...
6. Total number of days during the year on which migrant workman was employed. ...
7. Total number of man days worked for my migrant workman during the year. ...
8. Maximum number of workmen employed directly on any day during the year. ...
9. Total number of days during the year in which direct labour was employed. ...
10. Total number of mandays worked by directly employed workmen. ...
11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates. ...

Place.....

Principal Employer

Date.....

Published in the Calcutta Gazette, Extraordinary, Part I, No. 342,
dated August 6, 1983.

LABOUR DEVELOPMENT

NO. 1002LW/LW/1R-9(A)/77. 30th July 1982.—In exercise of the power conferred by sub-section (2) of section 49, section 50 and section 112 of the Factories Act, 1948 (63 of 1948), and after previous publication in the "Calcutta Gazette, Extraordinary", dated the 28th April 1981, as required by section 115 of the said Act, the Governor is pleased hereby to make the following amendments in the West Bengal Factories (Welfare Officers) Rules, 1971, as subsequently amended (hereinafter referred to as the said rules) :

Amendments

In the said rules—

1. for clause (b) of rule 3, substitute the following clause :

'(b) "Welfare Officer" means a Welfare Officer appointed under sub-section (1) of section 49 of the Act and includes Chief Welfare Officer ; and'

2. in proviso to clause (a) of rule 4, for the words "One Additional" substitute the words "one more";

3. for clause (b) of rule 4, substitute the following clause :—

"(b) Where there are two or more Welfare Officers, the one enjoying the higher or the highest grade, as the case may be, designated as Chief Welfare Officer, and each of the other Welfare Officers shall be designated as Welfare Officer Grade I, II, or III, as the case may be :

Provided that the Welfare Officer or the Chief Welfare Officer may be given any other designation as may be approved by the State Government by an order in writing :

Provided further that where in any premises there are more factories than one under the same occupier and there are more than one Welfare Officer for all those factories, the Welfare Officer enjoying the higher or highest grade, as the case may be, shall be designated as the Chief Welfare Officer for all such factories".

4. In rule 5, for clause (d) substitute the following clause :—

"(d) has obtained a degree or diploma in labour and Social Welfare recognised by the Government of West Bengal, or has passed Labour Welfare Officers' Training Course of the Labour Department of the Government of West Bengal";

5. renumber the existing clause (e) as clause (f) and before clause (f) so renumbered insert the following new clause (e):—

"(e) has qualified at a viva-voce test conducted by a Board constituted by the Labour Department of the Government of West Bengal for the purpose and";

6. for rule 7, substitute the following rule :—

"7. Notice and filling up of vacancy and appointment

(1) Any vacancy in the post of a Welfare Officer, caused by the death, dismissal, discharge or resignation of a Welfare Officer or by any other reason, shall be notified within seven days and filled up within three months of the occurrence of the vacancy.

(2) The occupier shall notify the appointment of a Welfare Officer within seven days from the date of appointment to the Chief Inspector of Factories, West Bengal, giving full details of the qualification, age, terms and conditions of service".

7. for rule 8 substitute the following rule :—

"8. Conditions of service.

(1) The Chief Welfare Officer, or the Welfare Officer, where there is only one, shall be given the same status as is enjoyed by the other departmental heads in the factory, and he shall work directly under the control of the same executive of the factory under whom the other departmental heads work.

(2) Every other Welfare Officer shall be given appropriate status corresponding to the status of an officer holding a position next below the other departmental heads in the factory.

(3) The Welfare Officer may be employed either on a tenure basis or on a permanent basis. Where he is appointed on tenure basis, the term shall not be less than three years and the period of probation shall be six months; and where the appointment is on permanent basis, the period of probation shall not be less than one year or more than two years.

Any such officer appointed on tenure basis shall ordinarily be entitled to a renewal of such periodical contract.

(4) (a) The occupier of a factory who proposes either to terminate the services of a Welfare Officer otherwise than by way of penalty in terms of sub-rule (5) or to withhold the renewal of contract shall give three months' notice to such officer stating reasons thereof and giving reasonable opportunity of making representation against such proposed action.

(b) The occupier shall not take a final decision without giving due consideration to such representation and intimating such final decision in writing to the Welfare Officer concerned.

(5) The occupier may impose upon any Welfare Officer any or more of the following punishments:—

- (i) suspension,
- (ii) removal or dismissal from service,
- (iii) reduction in rank,
- (iv) withholding of increment,
- (v) censure,
- (vi) warning;

Provided that no Welfare Officer shall be punished as aforesaid except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the charges and where it is proposed, after such an inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such enquiry.

(b) Any Welfare Officer who is awarded any one or more of the punishments referred to in clause (a) of sub-rule (6) shall, within thirty days of the communication of the order of punishment to him, be entitled to appeal against such order to the Chief Inspector of Factories, West Bengal:

Provided that the Chief Inspector of Factories, West Bengal, may, on sufficient cause being shown for the delay, extend the aforesaid time limit to a period not exceeding six weeks.

(c) On being satisfied that a Welfare Officer intends to prefer an appeal under clause (b) of sub-rule (5) the Chief Inspector of Factories, West Bengal, may stay the enforcement of the order of punishment to be appealed against, for such period and on such terms, if any; as he may think just and proper.

(d) The Chief Inspector of Factories, may call for any information and may require by a written order the production, at such place as may be specified in the order, of any record or document which is considered necessary for disposal of the appeal.

(e) The Chief Inspector of Factories, West Bengal, shall after giving both the parties a reasonable opportunity of being heard, by an order for reasons to be recorded in writing, dispose of the appeal as expeditiously as possible. While disposing of the appeal the Chief Inspector of Factories, West Bengal, may confirm, modify or set aside the order appealed against.

(6) (a) The occupier or any Welfare Officer, being aggrieved by the decision of the Chief Inspector of Factories, West Bengal, may within thirty days of the communication of such order to him, prefer a second appeal to the State Government, and the decision of the State Government on such appeal shall be final and binding on both the parties :

Provided that no such second appeal shall lie where all or any of the punishment specified in sub-clause (iv), (v) or (vi) of clause (a) of sub-rule (5), have been imposed, and in cases of such punishment the decision of the Chief Inspector of Factories shall be final and binding on both the parties,

(b) On being satisfied that the occupier or a Welfare Officer intends to prefer an appeal under clause (a) of sub-rule (7), the State Government may stay the enforcement of the decision of the Chief Inspector of Factories, West Bengal, for such period and on such terms if any, as the State Government may think just and proper.

(7) Notwithstanding any condition of service, which is repugnant to these rules imposed by the employer on a Welfare Officers, the provisions of these rules shall prevail.

8. in clause (b) of sub-rule 9, omit the words "supervision of hazardous jobs, systematic plant inspection, safety education, accident prevention, investigation of accidents, and maternity benefits" and insert the word "and" before the words, "health records".

9. for clause (c) of sub-rule 9 substitute the following clause ;—

"(c) to advise and assist management (i) regarding provision of amenities such as first-aid, ambulance rooms, canteens, shelters for rest, drinking water and latrine facilities, and (ii) for fulfilment of obligations concerning sickness and benevolent scheme payments, provident fund, gratuity payments, maternity benefits, workmen's compensation, and other welfare and social benefit measures;"

10. after clause (q) of sub-rule 9 add the following clause :—

"(r) to supervise hazardous jobs, systematic plant inspection, safety education, accident prevention, and investigation of accidents, in case of those factories where a Safety Officer is not required to be appointed under the provision of section 40B of the Act.,";

11. for "rule 11" substitute the following rule:—

"11. Grades of Welfare Officers and their pay scales—

(1) There shall be the following grades of Welfare Officers with the scale of pay as mentioned against each grade :—

(A) Grade III	...	Rs. 500—25—800
(B) Grade II	...	Rs. 600—30—960—45—1,059
(C) Grade I	...	Rs. 750—50—1,500
(D) Selection Grade	...	Rs. 1,500—60—2,100

(2) Over and above the scales of pay prescribed in sub-rule (1), a Welfare Officer shall be entitled to such allowances and benefits as are admissible to other officers of equivalent rank and status. Welfare Officer of grade III, II or I, shall not be less than Rs. 625, Rs. 750 or Rs. 900, as the case may be, in the corresponding scale of pay of the grade"

Published in the Calcutta Gazette, Extraordinary Part I, No. 197.
Dated February 25, 1983.

HIGH COURT, APPELLATE SIDE, CALCUTTA

No. 2394G—24th February 1983.—In supersession of all existing rules on the subject, I, in exercise of the powers vested in me under Article 229 of the Constitution, do hereby make the following rules relating to the duties, rights and obligations of persons appointed to the services or posts in connection with the High Court at Calcutta.

Rules

1. *Short title, application and commencement.*—(i) These rules may be called the High Court Services (Duties, Rights and Obligations of Employees) Rules, 1983;

(ii) They shall apply to all employees of this Court.

Provided that nothing in these rules shall apply to persons appointed from the members of the Higher Judicial Service or All India Services ;

(iii) They shall be deemed to have come into force, with effect from the 1st day of June, 1980.

2. *Definitions.*—In these rules, unless there is anything contrary to the context,—

(a) “High Court” or “Court” means the High Court at Calcutta;

(b) “Chief Justice” means the Chief Justice or the Acting Chief Justice of the High Court at Calcutta ;

(c) “appointing authority”, in relation to an employee, means the Chief Justice or any other authority empowered by the Chief Justice to make appointment to the service or post held by him for the time being ;

(d) “employee” or “High Court employee” means a person appointed to a service or a post, whether on the Original Side or on the Appellate Side of the High Court, in connection with the affairs of the High Court ;

(e) “State” means the State of West Bengal ;

(f) “member of the family”, in relation to an employee, means the wife or husband, as the case may be, and the child or the step-child of the employee ;

(g) “Government Servant” or “Government Employee” means any officer or servant continued, appointed or employed in India by or under the authority of Government ;

(h) “Government” means the Central Government or the Government of a State ;

(i) “public servant” has the same meaning as in the Indian Penal Code (45 of 1860) ;

(j) “strike” means strike as defined in clause (q) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) ;

(k) “essential service” means the service/services declared as such by the Chief Justice by a notification.

3. *Duties.*—The following shall be the duties of an employee—

(i) every employee shall bear in mind that he is a public servant; he shall faithfully discharge his duties, shall always behave courteously with the members of the legal profession and their licensed clerks, the members of the public or colleagues with whom he has to come in contact in the discharge of his duties as a public servant and shall always try to help them in all possible ways through quick and faithful discharge of the duties assigned to him;

(ii) every employee shall, in the discharge of his duties, rise above all personal, political and other considerations and maintain integrity, impartiality and devotion to duty;

(iii) every employee shall, notwithstanding his personal views on any matter relating to State policy and programme or relating to any proceeding in any Court of law, carry out faithfully the duties and responsibilities entrusted to him as a public servant;

(iv) every employee shall practise, promote and encourage collective functioning in the interest of the administrative efficiency and apply his personal initiative to the efficient discharge of his duties;

(v) when in the discharge of his duties an employee is called upon to deal with a matter in which he or a relation of his is financially or otherwise interested, every such employee shall, at the earliest opportunity, bring this fact in writing to the notice of the authority to whom he is subordinate;

(vi) every employee (other than a non-ministerial employee) shall, once in every year, submit in the form prescribed by Government to the appointing authority, a return of movable property and other assets owned, acquired or inherited by him or any member of his family, as standing on the first day of January every year.

4. Rights.—The following shall be the rights of an employee:—

(i) every employee shall have the rights to form associations/unions/federative bodies of the employees;

(ii) every employee shall have full trade union rights including the right to strike. The right to strike shall, however, be subject to compliance with the provisions laid down in Appendix I;

Note.—The right to strike shall not, however, be available to the Gazetted Officers or the employees connected with essential services;

(iii) every employee shall enjoy full democratic rights except being a member of any political party;

Explanation.—These rights do not, however, include any which is prohibited under the law of the land.

(iv) any employee may, with Prior intimation to the authority and subject to the conditions laid down in clause (g) of rule 5 of these rules, participate in a radio or television programme:

Provided that nothing should be said in such programmes which—

(a) incites communal and/or parochial feelings, or

(b) goes against the unity and integrity of the country.

(v) any employee may contribute any literary or scientific writing or write any letter to any newspaper or periodical, subject to the provisions laid down in clause (iv).

5. **Obligations.** — Every employee shall have the following obligations :—

(a) no employee shall commit any misconduct as laid down in section 5 of the Prevention of Corruption Act, 1947 (2 of 1947) or take any gratification other than the legal remuneration or obtain valuable things without consideration or for consideration, which he knows to be inadequate from persons concerned in proceedings or business transacted by such employee as detailed in sections 161 and 165 of the Indian Penal Code (45 of 1860);

(b) no employee shall, except with prior sanction of the appointing authority, acquire or dispose of any immovable property by lease, mortgage, sale, gift or otherwise either in his own name or the name of any member of his family where such transaction is conducted otherwise than through a regular or reputed dealer. The same condition shall apply in the case of sale or purchase of movable property exceeding rupee 5,000 in value.

Note—The movable or immovable properties owned by the member of the family of an employee which are either acquired by them from out of their own funds or inherited by them will not come under the provisions of this clause or clause (vi) of the rule 3 of these rules.

(c) no employee shall lend money to or obtain loan from, any member of the public, business house or a trader or any member of the legal profession or his licensed or unlicensed clerk with whom he has to deal in his official capacity either directly or indirectly.

Note.—A co-operative society shall not, however, come within the purview of this clause;

(d) no employee who has a wife/husband living shall contract another marriage without obtaining previously the dissolution of the first marriage in accordance with any law for the time being in force notwithstanding such second marriage is permissible under any personal law of the community to which he or she belongs;

(e) no employee shall employ or engage any subordinate for any private, domestic or personal service or for any purpose other than official business;

(f) no employee shall use or permit any person to use a vehicle belonging to the Government or the High Court or a safe or any other property belonging to the Government or the High Court for any purpose other than official business;

(g) no employee shall, except in accordance with any general or special orders of the appointing authority, communicate directly or indirectly to officials not concerned or non official person or to the press any secret document or information that may come to his knowledge in course of his public duties;

(h) no employee shall—

(1) violate any law relating to intoxicating drinks or drugs;

(2) consume or be under the influence of any intoxicating drinks or drug during the course of his duty and/or in any public place;

(i) no employee shall, without the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person, any gift of more than trifling value:

Note:—Gifts in conformity with religious or social customs shall not come within the purview of this clause;

(j) no employee shall, while on leave, accept any service or employment;

(k) no employee shall, except with the previous sanction of the appointing authority, engage in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking except in the case of honorary work of social and charitable nature or co-operative societies.

6. **Submission of petitions and memorials.**—(i) Any employee or a group of employees desiring to place a claim or seeking redress of his or their grievance in any matter connected with the service condition shall ordinarily address the authority at the lowest level competent to deal with the matter of the authorities superior to the officer against whose order or action redress is being sought for. If the employee or the group of employees does not receive within a fortnight any intimation of the action taken or the redress given by the said authority, such employee or group of employees may directly address higher authorities, including the Chief Justice, seeking interview or intervention.

(ii) Any employee desiring to apply for any other post shall apply through his appointing authority, who shall, unless there is any disciplinary proceedings pending against such employee, forward the application to the addressee. An employee may if necessary, send an advance copy of an application direct to the addressee.

7. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the Chief Justice whose decision thereon shall be final.

8. **Repeal and savings**—(i) The West Bengal Government Servants' Conduct Rules, 1959, as adopted by the High Court, under orders of the Chief Justice dated 3rd March, 1969, and amended from time to time, is hereby repealed.

(ii) Notwithstanding such repeal, anything done, or any act committed or any omission made by any employee before the coming into force of these rules which were in force when the thing was done, the act was committed or the omission was made, shall be deemed to continue and to have always continued to apply.

9 For any violation or infringement of these rules by any employee the appointing authority, may, with the approval of the Chief Justice, impose such penalties as he may deem fit and proper.

APPENDIX I

[Vide Rule 4 (ii)]

Procedure to be followed before going on strike

1. (i) No employee shall go on strike without—

(a) completing the process of conciliation or negotiation in the manner laid down hereunder: and

(b) giving notice of at last 14 days to the Chief Justice.

Note.—No strike shall commence before expiry of the period of notice;

(ii) Matters over which employees can go on strike should relate to conditions of service and work, of the employees and improvement of efficiency and standard of work.

2. The following shall be process of negotiation or conciliation :—

(a) There shall be a Negotiating Body with such senior officers of the High Court as may be selected by the Chief Justice;

(b) The Negotiating Body shall be entrusted with task of holding negotiation with the Associations/Union/Federative bodies of the employees on the grievances of the employees, both of general nature or of departmental or sectional character;

(c) The Associations/Unions/Federative bodies of the employees, after exhaustion of negotiation with the appropriate authority, shall place their points of grievances to the Negotiating Body, in writing, on receipt of which the Negotiating Body shall call the aggrieved party or parties and may also call the authorities concerned for negotiation and settlement of the grievances. The Negotiating Body shall not take more than 30 days, except with mutual agreement of the Negotiating Body and the aggrieved party or parties, to complete the negotiation. It shall be the responsibility of the Negotiating Body to make its recommendation to the appropriate authority and settle the grievances within the period of 30 days.

3. If the the negotiation fails and no settlement of the grievances is reached within the stipulated period noted above, the Association/Unions/Federative bodies may serve a strike notice to the Chief Justice under intimation to the Negotiating Body, mentioning the points of grievances.

4. On receipt of the strike notice the Chief Justice may take further initiative to resolve the aggrieved party or parties and the authorities concerned. In case of failure of such discussion the aggrieved party shall have the right to give effect to the strike notice.

5. When a strike, which commences after the procedure laid down hereinbefore has been complied with, continues for more than which may be considered by the Chief Justice as reasonable period, the Chief Justice may refer the disputes/grievances to a Board of Arbitrators with such Hon'ble Judges of the High Court as may be selected by the Chief Justice.

6. The Board of Arbitrators shall hear all the parties to dispute and give its award within a period of one month.

7. As soon as the grievances/disputes leaving to the commencement of a strike are referred to a Board of Arbitrators, the Chief Justice may, by an order, prohibit continuance of the strike.

S.C. DEB,
Chief Justice.

END

PART XI

MADHYA PRADESH ACTS, ORDINANCES & NOTIFICATIONS

1983

THE MADHYA PRADESH APPROPRIATION (NO 5) ACT, 1982

The following Act of the Madhya Pradesh Legislative Assembly having been assented to by the Governor on the 11th October 1982 was published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 16th October, 1982.

MADHYA PRADESH ACT NO 23 OF 1982

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of the financial year 1982-83.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Appropriation (No. 5) Act, 1982.

(Text omitted)

THE MADHYA PRADESH GRIHA NIRMAN MANDAL (SANSHODHAN) ADHINIYAM, 1982

The following Act of the Madhya Pradesh Legislative Assembly having been assented to by the Governor on the 18th October, 1982; and was published in the Madhya Pradesh Gazette (Extraordinary)", dated the 22nd October, 1982.

MADHYA PRADESH ACT NO. 26 OF 1982

An Act further to amend the Madhya Pradesh Griha Nirman Mandal Adhiniyam, 1972.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madhya Pradesh Griha Nirman Mandal (Sanshodhan) Adhiniyam, 1982.

(2) It shall be deemed to have come into force on the 1st day of May 1982.

2. *Amendment of long title.*—For long title to the Madhya Pradesh Griha Nirman Mandal Adhiniyam, 1972 (No. 3 of 1973), (hereinafter referred to as the Principal Act), the following long title shall be substituted, namely:—

"An Act to provide for the incorporation and regulation of Housing Board in the State of Madhya Pradesh for the purpose of taking

measures to deal with and satisfying the need of housing accommodation and for matters connected therewith”.

3. *Amendment of section 2.*—For clause (3) of section 2 of the Principal Act, the following clause shall be substituted, namely :—

“(3) “Board” means the Madhya Pradesh Housing Board established under section 3 of the Madhya Pradesh Gramin Avas Mandal established under section 4-A, as the case may be;”.

4. *Insertion of Chapter II-A.*—After section 4 of the Principal Act, the following chapter and section shall be inserted, namely :—

“CHAPTER II-A—ESTABLISHMENT OF MADHYA PRADESH GRAMIN AVAS MANDAL

4-A. *Establishment of Madhya Pradesh Gramin Avas Mandal.*—The State Government shall, by notification, establish with effect from such date as may be specified therein, a Board by the name of the Madhya Pradesh Gramin Avas Mandal which shall be a body corporate having perpetual succession and a common seal with power, subject to provisions of this Act, to acquire, hold, dispose of property and to contract and may by the said name sue and be used.

4-B. *Constitution of the Board.*—The Board established under section 4-A shall consist of a Chairman and a Vice Chairman who shall be appointed by the State Government and the following other members, namely :—

(a) Secretary to the Government of Madhya Pradesh in-charge of each of the following departments or his nominee not below the rank of a Deputy Secretary, namely :—

- (i) Housing Department ;
- (ii) Finance Department;
- (iii) Revenue Department;
- (iv) Rural Development Department;
- (v) Tribal Welfare Department;

(b) Chairman, Housing and Urban Development Corporation, New Delhi, or his nominee ;

(c) Director, Town and Country Planning, Madhya Pradesh, or his nominee;

(d) the Superintending Engineer, Rural Engineering Services, Madhya Pradesh ;

(e) two members of the State Legislative Assembly to be appointed by the State Government ;

(f) two experts in the field of architecture, Sociology or Tribal Welfare to be appointed by the State Government ;

(g) two non-official members to be appointed by the State Government ;

(h) Commissioner Gramin Avas Mandal.

(2) The Commissioner, Gramin Avas Mandal shall act as the Member-Secretary of the Madhya Pradesh Gramin Avas Mandal.

4-C. *Function of the Gramin Avas Mandal.*—(1) The Board established under section 4-A shall be charged with the function of and be responsible for, carrying out the provisions of this Act, essentially in the rural areas of the State.

Explanation.—In this section, the expression “rural area” means an area other than the area included within the limits of a municipal corporation or municipal council or a notified area committee constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).

(2) The Vice-Chairman shall, for all purposes of the Act, be deemed to be a member. He shall preside over the meetings of the Board in the absence of the Chairman and exercise such powers and perform such functions of the Chairman as the Chairman may direct. The provisions of section 9 shall apply to Vice-Chairman as they apply to a Chairman.”

5. *Insertion of heading of new Chapter II-B.*—Before section 5, the following words figure and letter shall be inserted, namely :—

“CHAPTER II-B—DISQUALIFICATIONS AND TERM OF OFFICE ETC. OF MEMBERS.”

6. *Removal of difficulty.*—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of the Principal Act, as amended by this Act remove the difficulty :

Provided that no such order shall be made after the expiry of a period of one year from the commencement of this Act.

7. *Repeal.*—The Madhya Pradesh Griha Nirman Mandal (Sanshodhan) Adhyadesh, 1982 (No. 4 of 1982) is hereby repealed.

THE MADHYA PRADESH GENERAL SALES TAX (AMENDMENT) ACT, 1982

The following Act of the Madhya Pradesh Legislative Assembly having been assented to by the Governor on the 14th October, 1982, was published in the “Madhya Pradesh Gazette (Extraordinary)” dated the 20th October, 1982.

MADHYA PRADESH ACT NO. 25 OF 1982

An Act further to amend the Madhya Pradesh General Sales Tax Act, 1958.

Be it enacted by the Madhya Pradesh Legislature in the thirty-third year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh General Sales Tax (Amendment) Act, 1982.

2. *Amendment of section 2.*—For clause (q) of section 2 of the Madhya Pradesh General Sales Tax Act, 1958 (No. 2 of 1959) hereinafter referred to as the Principal Act), the following clause shall be substituted, namely :—

“(q) “tax” means tax payable under the Act :”

3. *Omission of section 5-A and 5-B.*—Section 5-A and 5-B of the Principal Act shall be omitted.

4. *Amendment of section 6*—In section 6 of the Principal Act,—
(i) in sub-section (1), for the words, figure and brackets “at the total rate as mentioned in the corresponding entry in column (5) of the

said Schedule" the words, figure and brackets "at the rate as mentioned in the corresponding entry in column (3) of the said Schedule" shall be substituted ; and

(ii) in clause (a) of sub-section (2),—

(a) the words, figures and brackets "(that is 3 per cent. basic tax and $\frac{1}{2}$ per cent. additional tax)" shall be omitted ; and

(b) the words, figures and brackets "(that is 4 per cent. basic tax and $\frac{1}{2}$ per cent. additional tax)" shall be omitted.

5. *Amendment of section 7.*—In section 7 of the Principal Act, in sub-section (2)—

(i) the words, figures and brackets "(that is 3 per cent. basic tax and $\frac{1}{2}$ per cent. additional tax)" ; and

(ii) the words, figures and brackets "(that is 4 per cent. basic tax and $\frac{1}{2}$ per cent. additional tax)" occurring twice shall be omitted.

6. *Amendment of Section 8.*—In clause (a) of sub-section (1) of section 8 of the Principal Act,—

(i) the words, figures and brackets "(that is 3 per cent, basic tax and $\frac{1}{2}$ per cent, additional tax)" ; and

(ii) the words, figures and brackets "(that is 4 per cent, basic tax and $\frac{1}{2}$ per cent, additional tax)" whenever occurring, shall be omitted.

7. *Amendment of section 9.*—In section 9 of the Principal Act, for the words and figures "section 6 or section 7 or section 8", the words figures and letter "section 6 or section 7 or section 14-A" shall be substituted.

8. *Amendment of section 11.*—In the first proviso to sub-section (1) of section 11 of the Principal Act,—

(i) for the words "total rate of tax", the words "rate of tax" shall be substituted; and

(ii) in clause (c), after the figures and words "15 per cent, in respect of goods specified in entries 1 to 32", the figures, words and letters "20 per cent, in respect of goods specified in entries 32-A and 32-B" shall be inserted.

9. *Amendment of section 13.*—In sub-section (1) of section 13 of the Principal Act, for the words "does not exceed ordinarily one and a half lakh rupees on advance payment of such licence fee not exceeding two thousand rupees a year, as may be determined in relation to such registered dealer in accordance with the rules made in this behalf" the words, "does not ordinarily exceed such amount as may be prescribed on advance payment of such annual licence fee as may be determined in relation to such registered dealer in accordance with the rules made in this behalf" shall be substituted.

10. *Amendment of section 14-A.*—In section 14-A of the Principal Act, for the word, figure and brackets "column (5)" wherever occurring, the word, figure and brackets "column (3)" shall be substituted.

11. *Amendment of section 16-A.*—In section 16-A of the Principal Act,—

(i) for sub-sections (1), (2), (3) and (4), the following sub-sections shall be substituted, namely :—

“(1) Every dealer—

(i) who makes an application for the issue of a registration certificate under section 15 or section 16 after the commencement of the Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1982; or

(ii) whose application for issue of such registration certificate is pending on the date of such commencement; or

(iii) who is registered under the Act before such commencement shall, for the proper realisation of tax or any other sum payable under the Act from him, furnish security of not less than five hundred rupees or such higher amount within such time and in such manner, as may be prescribed :

Provided that where a registered dealer has furnished cash security or security in a form other than cash security before such commencement, then—

(i) in case the cash security already furnished is sufficient no further cash security shall be furnished;

(ii) in case the cash security already furnished is less than that required under this sub-section, he shall make up the deficiency in such manner and within such time as may be prescribed;

(iii) in case the security furnished is in a form other than the form of a cash security he shall furnish the cash security within such time and in such manner as may be prescribed and thereupon the security furnished in the other form shall be liable to be released.

(2) Where a registered dealer has furnished cash security under the provisions of sub-section (1) which is rendered insufficient keeping in view the scale prescribed therefor under the said sub-section the Commissioner shall, by order, require such dealer to furnish further cash security within such time and in such manner as may be prescribed.

Provided that no order shall be passed under this sub-section without giving the dealer an opportunity of being heard.

(3) The cash security furnished under sub-section (1) or sub-section (2) shall be held till the registration certificate of the dealer remains in force or on the cancellation of the registration certificate, till such time any amount of tax or any other sum payable under the Act remains outstanding against him whether on account of any proceedings under the Act or otherwise and shall carry simple interest at the rate of 5 per cent. per annum.

(4) Where a dealer registered under section 15 or section 16 fails to furnish returns under section 17 in time or fails to pay the tax due or any other sum payable under the Act,—

(a) the Commissioner may, by order, forfeit the whole or any part of the cash security furnished by such dealer under this section and appropriate it towards the amount of tax or any other sum due from him under the Act; or

(b) the Commissioner may, for the proper realisation of tax or other sum payable under the Act, by an order in writing for reasons recorded therein, require such dealer, who has furnished security under this section, to furnish within such time such additional security in the form of cash security or bank guarantee or in such other form as may

be prescribed, as may be specified in the order for the aforesaid purpose and thereupon such dealer shall furnish the additional security. The amount of additional security that may be required to be furnished by a dealer under this clause shall not exceed the average amount of tax payable by such dealer for one year determined in such manner as may be prescribed and where such determination is not possible, the amount of additional security shall not exceed rupees ten thousand;

(c) (i) the additional security obtained under clause (b) of this sub-section shall be held for a period of two years and shall be released to the dealer at the end of this period if he has furnished all returns and paid tax according to such returns regularly during this period;

(ii) if the dealer again commits default in furnishing any return or paying tax according to such return or in the payment of any amount due under the Act from him, the Commissioner may, by order, forfeit the whole or any part of cash security furnished by the dealer under sub-section (1) and sub-section (2) and additional security furnished under clause (b) and appropriate the same towards payment of tax or any other sum due from the dealer under the Act :

Provided that no order forfeiting the cash security or the additional security or demanding additional security shall be passed under this sub-section without giving the dealer an opportunity of being heard.”;

(ii) in sub-section (5), after the word “security”, the words “or additional security” shall be inserted; and

(iii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in section 15 or section 16, the Commissioner shall refuse to grant the certificate of registration or shall cancel the certificate of registration issued to any dealer under either of the said sections where such dealer has failed to comply with the provisions of sub-section (1) or sub-section (2) or clause (b) of sub-section (4) or sub-section (5):

Provided that no order shall be passed under this sub-section without giving the dealer an opportunity of being heard.”.

12. *Insertion of section 22-D.*— After section 22-C of the Principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from 1st day of April 1981, namely:—

22-D. *“Special provisions relating to deferred payment of tax by industrial units.*—Notwithstanding anything contained in any other provision of this Act, a registered dealer, who is,—

(a) registered as a small scale industrial unit with the Industries Department of the Government of Madhya Pradesh; or

(b) registered with the Director General of Technical Development as an industrial unit; or

(c) registered as an industrial unit by any authority duly empowered to do so by the Government of Madhya Pradesh or the Central Government ; or

(d) holding a licence under Industries (Development and Regulation) Act, 1951 (No. 65 of 1951),

and who in each case has or may set up a new industrial unit in any district of Madhya Pradesh if eligible for grant of the facility of

deferred payment of tax under the scheme providing for grant of incentive to entrepreneurs for setting up new industrial units in the State as the State Government may make in this behalf, may make deferred payment subject to such restrictions and conditions as may be specified in such scheme.”.

13. *Amendment of section 38-A.*—In section 38-A of the Principal Act,—

(i) in sub-section (1) —
(a) the words, figures, brackets and comma “sub-section (1),” shall be omitted;

(b) in clause (a),—
(i) sub-clause (i) shall be omitted;
(ii) in sub-clause (ii) for the words, figures and brackets “sub-section (4)”, the words, figures and “sub-section (2) or sub-section (4)” shall be substituted; and

(c) clause (b) shall be omitted; and
(ii) in sub-section (2),—
(a) for the word “security wherever occurring”, the words “security or additional security” shall be substituted;

(b) for the words, figures and brackets “sub-section (1) or sub-section (2)”, the words, letters, figures and brackets “sub-section (2) or clause (b) of the sub-section (4)” shall be substituted; and

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) After such enquiry as it may deem fit the Appellate authority may confirm, reduce or enhance the amount of security or additional security or modify the nature of additional security.”.

14. *Amendment of section 51.*—In sub-section (2) of section 51 of the principal Act,—

(i) in clause (d), for the word “Licensed” the words “Licensed, prescribing the yearly turnover of goods” shall be substituted; and

(ii) for clause (ff), the following clause shall be substituted, namely :—

“(ff) (i) the higher amount of Cash Security and the manner in which and the time within which cash security shall be furnished under sub-section (1) or sub-section (2) of section 16-A;

(ii) the manner and form in which additional security shall be furnished under clause (b) of sub-section (4) of section 16-A;

(iii) the manner in which and the time within which any deficiency of security may be made up under sub-section (5) of section 16-A.”.

(iv) in clause (ii) after sub-clause (iv), the following sub-clause shall be inserted, namely :—

“(v) the manner in which and the restrictions and conditions subject to which deferred payments of tax due may be made by a dealer under section 22-D.”.

15. *Amendment of Schedule II.*—In Schedule II to the Principal Act,—

column (3) and (4) together with the entries specified therein shall be omitted and column (5) shall be renumbered as column (3);

(ii) in part I, in column (3) as so renumbered—

(a) against serial number I, for the words, figure and letter "according to the provisions of section 5-B", the figure and words "4 per cent." shall be substituted;

(b) against serial number 2, for the words figures and letter "According to the provisions of section 5-B", the figure and words "2.5 per cent." shall be substituted; and

(c) against serial number 3, for the words, figure and letter "According to the provisions of section 5-B", the figure and words "4 per cent." shall be substituted;

(iii) in part II, in column (3) as so renumbered against serial number 32-A, for the figure "13.5" the figure "16" shall be substituted;

(iv) in part IV, in column (3) as so renumbered, against serial numbers 1, 2, 3, 4, 5, 6(1) and 7 for the words, figures and letter "According to the provisions of section 5-B", the words "4 per cent." shall be substituted; and

(v) in part V, in column (3) as so renumbered, against serial numbers 1(i) and 2 for the words, figure and letter "According to the provisions of section 5-B", the figure and words "3 per cent." shall be substituted.

16. *Repeal.*—The Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1982 (No. 10 of 1982) is hereby repealed.

THE MADHYA PRADESH STHANIYA KSHETRA ME MAL KE PRAVESH PAR KAR (SANSHODHAN) ADHINIYAM, 1982

The following Act of the Madhya Pradesh Legislative Assembly having been assented to by the Governor on the 14th October, 1982, was published in the "Madhya Pradesh Gazette Extraordinary", dated the 20th October, 1982.

MADHYA PRADESH ACT NO. 24 OF 1982

An Act further to amend the Madhya Pradesh Sthaniya Kshetra Me Mal Ke Pravesha Par Kar Adhiniyam, 1976.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madhya Pradesh Sthaniya Kshetra Me Mal Ke Pravesha Par Kar (Sanshodhan) Adhiniyam, 1982.

2. *Amendment of section 2.*—In sub-section (2) of section 2 of the Madhya Pradesh Sthaniya Kshetra Me Mal Ke Pravesha Par Kar Adhiniyam, 1976 (No. 52 of 1976) hereinafter referred to as the principal Act,—

(i) clause (a) shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) 'incidental goods other than raw material and packing material for use by a dealer in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power;'

(iii) in clauses (h) and (i), for the figures and brackets "(iii)", the figures and brackets "(iv)" shall be substituted;

(iv) in clause (1), for the words, brackets and figures "and shall include excise duty and or additional excise duty, if levied under the Central Excise and Salt Act, 1944 (No. 1 of 1944), and the Additional Duties of Excise (Goods of Special Importance) Act, 1957", the words, brackets and figures "and shall include excise duty and/or additional excise duty and/or customs duty, if levied under the Central Excise and Salt Act, 1944 (No- 1 of 1944.), the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (No. 58 of 1957) or the Customs Act, 1962 (No. 52 of 1962.), as the case may be," shall be substituted; and

(v) after clause (1), the following clause shall be inserted namely :—

"(m) "Works Contracts" means contracts relating to construction of works like building, dams and bridges and other immovable property, erection of factories, installation of machinery and fitting and installations to movable or immovable property in the execution whereof goods are consumed or used but not sold."

3. *Amendment of section 3.*—In section 3 of the Principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words "raw material", the words "raw material or incidental goods" shall be substituted;

(b) in the first proviso,—

(i) clause (iii) shall be deleted;

(ii) for clause (iv), the following clause shall be substituted, namely :—

"(iv) in respect of goods specified in Schedule II, other than local goods, purchased from a registered dealer on which entry tax is payable or paid by the selling registered dealer" and

(iii) in clause (vi) for the words "raw materials" the words "raw materials or incidental goods" shall be substituted;

(c) after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that notwithstanding anything contained in this Act, where a registered dealer, in the course of his business in a local area purchases goods specified in Schedule III, other than goods which are local goods in relation to such local area, from another registered dealer of the same local area for consumption or use as raw material or as incidental goods or as packing material or in the execution of works contract, the entry of such goods shall be deemed to have been effected into such local area by the registered dealer who has purchased such goods for the aforesaid purpose and entry tax shall be paid by such registered dealer," and

(d) in the Explanation, clause (a) shall be omitted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) (a) There shall be levied an entry tax on the entry into any local area for consumption, use or sale therein,—

(i) of such goods specified in Schedule II or Schedule III, and

(ii) by such persons or class of persons to whom the provisions of sub-section (1) do not apply, as may in either case, be notified by the

State Government and thereupon such tax shall be paid by such person or class of person:

Provided that entry tax under this sub-section shall not be levied on the entry of such goods, if it is proved to the satisfaction of the assessing authority that such goods have already been subjected to entry tax or that the entry tax is liable to be paid by any other person or dealer under this Act.

(b) copy of every such notification shall be laid on the table of the Legislative Assembly."

4. *Amendment of section 6.*—In section 6 of the Principal Act,—

(i) for the words, figures and brackets "payable by a dealer under sub-section (1) of section 3", the words, figures and brackets "payable by a dealer under sub-section (1) of section 3 or by a person notified under sub-section (2) of that section" shall be substituted;

(ii) in clause (a) for the words "the dealer" the words "the dealer or such person" shall be substituted;

(iii) in clause (b), for the words "a dealer" the words "the dealer or such person" shall be substituted;

(iv) in the marginal heading for the words "dealer", the words "dealer or person" shall be substituted.

5. *Amendment of section 7.*—In section 7 of the Principal Act,—

(i) in sub-section (5), for the words "one and a half times", the words "ten times" shall be substituted; and

(ii) in sub-section (6), for the words "one and a half times", the words "ten times" shall be substituted.

6. *Amendment of section 11.*—In sub-section (1) of section 11 of the Principal Act,—

(i) in clause (a), for the words "a dealer", the words, brackets and figures "a dealer or a person notified under sub-section (2) of section 3" shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) That a dealer has not effected the entry of any goods specified in Schedule III or a person notified under sub-section (2) of section 3 has not effected the entry of any goods specified in Schedule III and notified under sub-section (2) of section 3 into a local area for consumption or use therein, as raw material or incidental goods, or as packing material or in the execution of works contracts or otherwise"; and

(iii) for the words "shall be on the dealer", the words "shall be on the dealer, or such person, as the case may be" shall be substituted.

7. *Amendment of Section 12.*—For sub-section (1) of section 12 of the Principal Act, the following sub-section shall be substituted namely:—

"(1) The entry tax payable under sub-section (2) of section 3 shall be levied on the value of goods notified thereunder at such rate, not exceeding four per cent, as the State Government may, by notification specify, and different rates may be specified for different goods. The entry tax shall be assessed and collected by such authority and in such manner as may be prescribed."

PART XI] THE MADHYA PRADESH LOK ABHIKARANON KE MADHYAM 11
SE BIS SUTRIYA KARYAKRAM KA KARYANVAYAN (SANSHODHAN)
ADHINIYAM, 1982

8. Substitution of new schedule for Schedule III.—For Schedule III to the Principal Act, the following Schedule shall be substituted, namely :—

SCHEDULE III
[See sections 3, 4, 6, 8, 9 and 11]

S. No.	Description of Goods	Rate of Entry Tax
(1)	(2)	(3)
PART—I		
1.	Goods specified in entries 1 to 32, 32-A and 32-B of Part-II of Schedule-II to the Sales Tax Act,	1.5 per cent.
2.	Foreign and Indian made foreign liquor	7.75 per cent.
PART—II		
1.	Silver ornaments of personal wear	0.5 per cent.
2.	Gold ornaments of personal wear	0.5 per cent.
3.	Bullion and Specie	0.25 per cent.
PART—III		
1.	All goods other than,—	
	(i) goods included in Schedule I	} 1.00 percent."
	(ii) goods included in Schedule II; and	
	(iii) goods included in part I and II of this Schedule	

9. Repeal.—This Madhya Pradesh Sthaniya Kshetra Me Mal Ke Prवेश Par Kar (Sanshodhan) Adhyadesh, 1980 (No. 5 of 1982) is hereby repealed.

THE MADHYA PRADESH APPROPRIATION (NO. 6) ACT, 1982.

The following Act received the assent of the Governor on the 23rd December, 1982; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 4th January 1983.

MADHYA PRADESH ACT NO. 1 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of the financial year 1982-83.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Madhya Pradesh Appropriation (No. 6) Act, 1982.

(Text Omitted)

THE MADHYA PRADESH LOK ABHIKARANON KE MADHYAM
SE BIS SUTRIYA KARYAKRAM KA KARYANVAYAN
(SANSHODHAN) ADHINIYAM, 1982

The following Act received the assent of the Governor on the 10th January, 1983; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 13th January, 1983.

MADHYA PRADESH ACT NO. 2 OF 1983

An Act further to amend the Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan Ahhiniyam, 1980.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the **Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan (Sanshodhan) Adhiniyam, 1982.**

2. *Amendment of Section 2.*—In section 2 of the Madhya Pradesh Lok Abhikaranon ke Madhyam Se Bis Sutriya karyakram ka karyanvayan Adhiniyam, 1980 (No. 13 of 1980), (hereinafter referred to as the Principal Act), for clause (c), the following clause shall be substituted, namely :—

“(c) “block” shall have the meaning assigned to that expression in clause (iv) of section 2 of the Madhya Pradesh Panchayat Adhiniyam, 1981 (No. 35 of 1981);”

3. *Amendment of Section 3.*—In section 3 of the Principal Act, for the words “revenue inspector’s circle”, the word “block” shall be substituted.

4. *Substitution of words “block level committee” for the words “revenue inspectors circle level committee” throughout the Act.*—Throughout the Principal Act, for the words “revenue inspector’s circle level committee” wherever they occur, the words “block level committee” shall be substituted.

5. *Amendment of Section 8.*—After sub-section (1) of section 8 of the Principal Act, the following sub-section shall be inserted, namely :—

“(1-A) Where an appeal is preferred under sub-section (1) of section 7, the official member of the appeal Committee may, pending the disposal of such appeal by the appeal Committee, grant stay of operation of or pass any other appropriate ‘interim’ order in relation to the order appealed against.”

6. *Repeal.*—The Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan (Sanshodhan) Adhyadesh, (No. 21 of 1982) is hereby repealed.

Published in the Madhya Pradesh Govt. Gazette, Extraordinary,
Dated December 31, 1982

CO-OPERATIVE DEPARTMENT

No. 5-18-82-1-XV. *Bhopal, the 31st December 1982.*—In exercise of the powers conferred by Section 95 of the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961), the State Government hereby makes the following further amendment in the Madhya Pradesh Co-operative Societies Rule, 1962, namely :—

AMENDMENTS

In the said Rules,—

(1) In Rule 16, for the words, “thirty days”, the words “forty days” shall be substituted.

(2) In Rule 23, in sub-Rule (3),—

(i) in clause (aa), the words, “or voter” shall be omitted.

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) Every society shall prepare a list of members including the members who are disqualified to be candidates for election to the committee of a society or to be elected as a delegate or representative under section 50-A, as on the day preceding 40 days prior to the date of holding annual general meeting or special general meeting, as the case may be, under section 50-A by assigning (X-defaulter) sign gates, if any for representing the society is to take place. The list shall indicate the defaulters within the meaning of section 50-A by assigning (X-defaulter) sign and, if members belong to Schedule Castes, Schedule Tribes or economically weaker sections, the list shall indicate respective categories against their respective names. The list so prepared shall be made available to the Returning Officer appointed by the Registrar at least 35 days prior to the date fixed for annual general meeting or special general meeting and shall be published by the Returning Officer at least 33 day prior to the date of annual general meeting, as the case may be.”

(iii) for the first and second provisos to clause (h) the following proviso shall be substituted, namely :—

“Provided that a delegate or representative of a primary society who is disqualified for being elected as a member of the committee of a Co-operative Bank, Financing Bank Federal Society or an Apex Society under Section 50-A may at any time before the last date fixed for submission of nomination papers, get the list corrected by the Returning Officer after having produced sufficient evidence that the primary society has made an application under Sections 64, 84 or 85, as the case may be, against all defaulter members who are in default of loan or loans to such primary society for a period exceeding twelve months”.

(3) in rule 41, in sub-rule (14), in clause (g), for the words “and the symbols of contesting candidates in the group” the words, “the names and the symbols of contesting candidates in the group” shall be substituted.

(4) in rule 44, in sub-rule (1), in clause (i) for the words, “fifty days” the words, “forty days” shall be substituted.

(5) in rule 45, in sub-rule (3), the words, “or eligible to vote at such election” shall be omitted.

Published in the Madhya Pradesh Gazette Extraordinary

Dated November 19, 1982

DEPARTMENT OF

No. 5212-XXXII-82. *Bhopal, the 19th November.*—In exercise of the powers conferred by sub-section (2) of section 1 of the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanahodhan) Adhyadesh, 1982 (No. 19 of 1982), the State Government hereby appoints the 19th November 1982, as a date on which the said Adhyadesh shall come into force.

THE MADHYA PRADESH MUNICIPALITIES (AMENDMENT) ACT 1982

The following Act received the assent of the Governor on the 2nd November, 1982; and was published in the “Madhya Pradesh Gazette (Extraordinary)” dated the 12 November 1982.

MADHYA PRADESH ACT No. 43 OF 1982

An Act further to amend the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Municipalities (Amendment) Act, 1982.

2. *Amendment of section 40.*—In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) for sub-sections (1) and (2) of section 40, the following sub-sections shall be substituted, namely :—

“(1) Any councillor may resign his office by tendering his resignation, in writing, to the President, who shall forward it to the prescribed authority.

(2) On receipt of the resignation under sub-section (1), the prescribed authority shall.—

(i) if it is satisfied about its genuineness, accept the resignation and notify the fact of such resignation and the occurrence of casual vacancy by reason of such resignation in the Gazette ;

(ii) if it is not satisfied about its genuineness; not accept the resignation for reasons to be recorded in writing.”.

**THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH
(SANSHODHAN EVAM NIVESH KSHETRON KA VIDHIMANYA-
KARAN) ADHINIYAM, 1982.**

The following Act received the assent of the Governor on the 27th October, 1982; and was published in the “Madhya Pradesh Gazette” (Extra ordinary), dated the 29th October, 1982.]

MADHYA PRADESH ACT NO. 34 OF 1982.

An Act further to amend the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and to validate inclusion of certain areas in the planning areas constituted thereunder.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan Evam Nivesh Kshetron Ka Vidhimanyakaran) Adhiniyam, 1982.

2. *Amendment of section 1.*—For sub-section (3) of section 1 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) (hereinafter referred to as the Principal Act), the following sub-section shall be and shall always be deemed to have been substituted, namely :—

“(3) It shall come into force at once.”.

3. *Validation.*—Notwithstanding anything contained in any judgment, decree or order of any court, the inclusion of the areas beyond the limits of Municipal Corporation, Indore in the Indore planning area, constituted under section (1) of section 13 of the Principal Act vide the Government of Madhya Pradesh, Town and Country Planning Department's Notification No 515-F-I-20-XXXIII-73, dated the 13th February, 1974, shall be deemed to be and to have always been valid and

accordingly all acts, proceedings or things done or taken by the Government or any officer of Government or by any other authority in connection with the enforcement of the provisions of the Principal Act or any other law for the time being in force in the said planning area shall for all purposes be, and to have always been, done or taken in accordance with law.

4. *Repeal.*—The Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan Evam Nivesh Kshetron Ka Vidhimanyakaran) Adnyadesh, 1982 (No. 9 of 1982) is hereby repealed.

THE MADHYA PRADESH VIDHAN MANDAL SADASYA NIRARHATA NIVARAN (SANSHODHAN) ADHINIYAM 1982.

The following Act received the assent of the Governor on the 8th November, 1982; and was published in the Madhya Pradesh Gazette (Extraordinary)", dated the 12th November, 1982.

MADHYA PRADESH ACT NO. 42 OF 1982

An Act further to amend the Madhya Pradesh Vidhan Mandal Sadasya Nirarhata Nivaran Adhiniyam, 1967.

Be it enacted by the Madhya Pradesh Legislature in the the thirty-third Year of the Republic of India as follows ;—

1, *Short title* —This Act may be called the Madhya Pradesh Vidhan Mandal Nirarhata Nivaran (Sanshodhan) Adhiniyam, 1982.

2 *Amendment of Schedule.*—In the Schedule to the Madhya Pradesh Vidhan Mandal Sadasya Nirarhata Nivaran Adhiniyam, 1967 (No 16 of 1967), for item 17, the following item shall be substituted, and shall be deemed to have been substituted with effect from the 17th March, 1972, namely :—

"17. Charman and Vice Chairman or President and Vice-President or Managing Director of a statutory body or a member of any Committee by whatever name any of the aforesaid office be called,

Explanation.—For the purposes of item 17, the office mentioned therein shall include any other office held jointly with the office or any office held jointly with the office mentioned in item 17 in the statutory body."

THE MADHYA PRADESH VISHWAVIDYALAYA (SANSHODHAN) ADHINIYAM, 1982

The following Act received the assent of the Governor on the 18th January, 1983 ; and was published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 21st January, 1983

MADHYA PRADESH ACT NO. 3 OF 1983

An Act further to amend the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1982.

2. *Amendment of section 13 (1)* —In the second proviso to subsection (1) of section 13 of the Madhya Pradesh Vishwavidyalaya

Adhiniyam, 1973 (No. 22 of 1973), for the figure "60", the figure "62" shall be substituted.

3. *Repeal*.—The Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhyadesh, 1982 (22 of 1982) is hereby repealed.

THE MADHYA PRADESH RAJYA BEEJ EVAM FARM VIKAS NIGAM (SANSHODHAN) ADHINIYAM, 1982

The following Act, received the assent of the Governor on 21st January 1983 ; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 22nd January 1983.

MADHYA PRADESH ACT NO. 6 OF 1983

An Act to amend the Madhya Pradesh Rajya Beej Evam Farm Vikas Nigam Adhiniyam, 1980.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Madhya Pradesh Rajya Beej Evam Farm Vikas Nigam (Sanshodhan) Adhiniyam, 1982.

(2) It shall come into force at once.

2. *Amendment of Section 8*—In section 8 of the Madhya Pradesh Rajya Beej Evam Farm Vikas Nigam, Adhiniyam, 1980 (No. 18 of 1980), (hereinafter referred to as the Principal Act),—

(i) in sub-section (1),—

(a) for the words "The Board of Directors of the Nigam shall consist of the following", the words, "The Board of Directors of the Nigam shall consist of the Chairman to be nominated by the State Government and the following other Directors", shall be substituted ;

(b) clause (i) shall be omitted ;

(c) for clause (vii), the following clause shall be substituted, namely :—

"(vii) the Managing Director appointed under section 11 ;";

(ii) in sub-section (2),—

(a) for the words "A nominated Director", wherever they occur, the words "The Chairman or a nominated Director" shall be substituted ;

(b) for the words "Chairman of the Board", the words "State Government and the Chairman of the Board, respectively" shall be substituted ;

(iii) in sub-section (3), for the words "a nominated Director", the words "the Chairman or a nominated Director" shall be substituted."

3. *Amendment of Section 9*.—After sub-section (2) of section 9 of the Principal Act, the following explanation shall be inserted, namely :—

"*Explanation*.—For the purpose of this section "Director" shall include Chairman."

4. *Amendment of Section 35*.—In section 35 of the Principal Act,—

(a) in clause (b) of sub-section (1), for the word "Director", the words "Chairman or a Director" shall be substituted ; and

(b) in sub-section (2), for the word "Director" occurring twice, the words "Chairman or a Director" shall be substituted.

5. *Amendment of Section 37.*—In section 37 of the Principal Act, for the words “Every Director”, the words “The Chairman, every Director” shall be substituted.

6. *Repeal.*—The Madhya Pradesh Rajya Beej Evam Farm Vikas Nigam (Sanshodhan) Adhyadesh, 1982 (No. 20 of 1982) is hereby repealed.

THE MADHYA PRADESH MANTRI (VETAN TATHA BHATTA) SANSHODHAN ADHINIYAM, 1982

The following Act received the assent of the Governor on the 26th January 1983; and was published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 1st February 1983.

MADHYA PRADESH ACT No. 7 OF 1983

An Act further to amend the Madhya Pradesh Mantri (Vetan Tatha Bharta) Adhiniyam, 1972.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the **Madhya Pradesh Mantri (Vetan Tatha Bhatta) Sanshodhan Adhiniyam, 1982**

2. *Amendment of Section 4.*—In section 4 of the Madhya Pradesh Mantri (Vetan Tatha Bhatta) Adhiniyam, 1972 (No. 25 of 1972), after the words “to each Deputy Minister”, the words “and to each Parliamentary Secretary” shall be inserted.

THE MADHYA PRADESH GRAMIN RIN VIMUKTI ADHINIYAM, 1982

The following Act received the assent of the President on the 21st January 1983; and was published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 22nd January 1983.

MADHYA PRADESH ACT No. 5 OF 1983

An Act to provide for relief from indebtedness in rural areas.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title, and extent.*—(1) This Act may be called the **Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982.**

(2) It extends to the whole of Madhya Pradesh.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “agricultural land” means land in a rural area which is assessed to land revenue with reference to the use of such land for the purpose of agriculture;

(b) “civil court” includes,—

(i) a court acting in the exercise of insolvency jurisdiction;

(ii) a court which under any law for the time being in force (a) has been constituted a court of small causes or (b) is invested with the jurisdiction of a court of small causes;

(iii) a debt relief court established under the Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 (No. 12 of 1967);

(c) “co-operative society” means a society registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);

(d) "debt" includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise and subsisting on the 15th August, 1982 whether due or not due;

(e) "landless agricultural labourer" means a person who does not hold any agricultural land and whose principal means of livelihood is manual labour on agricultural land;

(f) "local authority" means a Municipal Corporation, Municipal Council, Notified Area Committee, Town Area Committee or a Cantonment Board, as the case may be, constituted or deemed to have been constituted under any law relating to local authority for the time being in force;

(g) "marginal farmer" means an agriculturist who,—

(i) in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding one hectare if irrigated or two hectares if unirrigated and who personally cultivates such land;

(ii) in the case of a person other than a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding half hectare if irrigated or one hectare if unirrigated and who personally cultivates such land ;

(h) "member of Scheduled Castes" means a member of such castes, races or tribes or parts of, or groups within castes, races or tribes specified as Scheduled Castes with respect to the State of Madhya Pradesh under article 341 of the Constitution of India ;

(i) "member of Scheduled Tribes" means a member of such tribes or tribal communities or parts of, or groups within such tribes or tribal communities specified as such with respect to the State of Madhya Pradesh under article 342 of the Constitution of India ;

(j) "rural area" means an area other than an area comprised within the limits of a local authority ;

(k) "rural artisan" means a person who does not hold any agricultural land and—

(i) whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto in a rural area ; or

(ii) who normally earns his livelihood by practising a craft either by his own labour or by the labour of a member or members of his family in a rural area ;

(l) "small farmer" means an agriculturist who,—

(i) in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land exceeding one hectare but not exceeding two hectares if irrigated or exceeding two hectares but not exceeding four hectares if unirrigated and who personally cultivates such land ;

(ii) in the case of a person other than a member of Scheduled Castes or Scheduled Tribes holds agricultural land exceeding half hectare but not exceeding one hectare if irrigated or exceeding one hectare but not exceeding two hectares if unirrigated and who personally cultivates such land ;

(m) words and expressions used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code, 1959 (No 29 of

1959), shall have the meanings respectively assigned to them in that Code

3. *Consequences to ensue on commencement of Act*—Notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having a force of law and save as otherwise expressly provided in this Act, the following consequences shall, on the commencement of this Act, ensue, namely :—

(a) every debt advanced before the 16th August 1982 including the amount of interest, if any, and which is payable by—

- (i) a marginal farmer ;
- (ii) a landless agricultural labourer ;
- (iii) a rural artisan ;
- (iv) a small farmer ;

to a creditor shall be deemed to be wholly discharged ;

(b) no civil court having jurisdiction shall entertain any suit or proceeding against a debtor specified in clause (a) for the recovery of his debt ;

(c) all proceedings in execution of any decree for money or proceedings for making final any preliminary decree for foreclosure or sale or proceedings in execution of any final decree for sale against a debtor specified in clause (a) for the recovery of his debt shall stand withdrawn and all property of the said debtor under attachment in any such proceedings shall forthwith be released ;

(d) every debtor specified in clause (a) in detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of a debt shall forthwith be released ;

(e) all suits and proceedings pending against a debtor specified in clause (a) for the recovery of debt shall abate ;

(f) every property pledged by a debtor specified in clause (a) shall stand released in favour of such debtor and a creditor shall be bound to return the same to the debtor forthwith ;

(g) every mortgage executed by a debtor specified in clause (a) in favour of a creditor shall stand redeemed and the mortgaged property shall be released in favour of such debtor ;

Provided that where a suit or proceeding is instituted jointly against the said debtor and any other person, nothing in this section shall apply to the maintainability of a suit or proceeding in so far as it relates to such other person only on the ground that he is being jointly proceeded against.

Explanation—Nothing in this section shall be construed to entitle the said debtor to the refund of any part of a debt already repaid by him or recovered from him before the commencement of this Act

4. *Penalties*.—(1) No creditor shall,—

(i) accept any payment against any claim for a debt which has been discharged under this Act ; or

(ii) refuse to return or re-deliver possession to the debtor of the property pledged or mortgaged by him which stands released or redeemed in favour of such debtor under this Act

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to one year or fine which may extend to one thousand rupees or both

5. *Bar of application of this Act.*—Nothing contained in this Act shall apply to liabilities falling under the following heads, namely :—

(a) any rent due in respect of any property let out to a debtor;

(b) any liability arising out of breach of trust or any tortious liability;

(c) any liability in respect of wages, or remuneration due as salary or otherwise, for service rendered ;

(d) any liability in respect of maintenance whether under a decree or order of a court or otherwise ;

(e) a debt due to,—

(i) the Central Government or any State Government ;

(ii) any local authority ;

(iii) a banking company as defined in section 5 of the Banking Regulation Act, 1949 (No. X of 1949), and includes the State Bank of India constituted under the State Bank of India Act, 1955 (No. 23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (No. 38 of 1959), a corresponding new bank as defined respectively in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (No. 40 of 1980), a regional rural bank established under the Regional Rural Banks Act, 1976 (No. 21 of 1976) ; and a Co-operative Land Development Bank or other Co-operative Bank registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) ;

(iv) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (No. 10 of 1963) ;

(v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (No. X of 1949) ;

(vi) the Madhya Pradesh Agro Industries Development Corporation Limited ;

(vii) any Co-operative Society ;

(viii) any Government Company within the meaning of the Companies Act, 1956 (No. 1 of 1956) ;

(f) any debt which represent the price of goods purchased by a debtor.

6. *Authorities who may be specified for implementing the provisions of this Act*—The State Government may confer such powers and impose such duties on a Collector as may be necessary to ensure that the provision of this Act are properly carried out and the Collector may specify an officer or officers subordinate to him, who shall exercise all or any of the powers and perform all or any of the duties so conferred or imposed and determine the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

7. *Bar of jurisdiction of Civil Court.*—No Civil court shall have any jurisdiction to entertain, or decide any question in respect of a debt to which provisions of this Act apply.

8. *Power to make rules.*—(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly,

9. *Special Provision for Regional Rural Banks.*—It is hereby declared that the Regional Rural Banks established under the Regional Rural Banks Act, 1976 (No. 21 of 1976), shall be and shall always be deemed to have been included in sub-clause (iii) of clause (e) of section 6 of the Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), from the commencement thereof and the consequences ensuing under clauses (a) to (g) of section 4 of the said Ordinance shall, in respect of the Regional Rural Banks, be and shall always be deemed never to have ensured and accordingly the position with respect to the debt advanced by such Bank as on the date immediately before the 16th August, 1982 shall stand restored for all purposes.

10. *Repeal.*—The Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), is hereby repealed.

THE MADHYA PRADESH MUNICIPAL LAWS (AMENDMENT) ACT, 1983

The following Act received the assent of the Governor on the 26th February, 1983; and was published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 26th February, 1983.

MADHYA PRADESH ACT NO. 14 OF 1983

An Act further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Thirty fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madhya Pradesh Municipal Laws (Amendment) Act, 1983.

PART I—AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956)

2. *Amendment of section 9.*—For sub-section (1) of section 9 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956), the following sub-section shall be substituted, namely:—

"(1) Except as hereinafter otherwise provided in this Act, Municipal Corporation shall consist of—

- (a) councillors elected from wards;
- (b) selected councillors, in number as nearly as may be, equal to one fifth of the total number of seats for elected councillors to be selected by single transferable vote by newly elected councillors from amongst persons enrolled as voters on the municipal electoral roll and not otherwise disqualified to be councillors by or under this Act;
- (c) one councillor representing the Zila Panchayat of the district in which the Corporation is situate elected by the members of such Zila Panchayat from amongst the Presidents of the Janapada Panchayats in such manner as may be prescribed:

Provided that if the elected councillors do not include a woman or include less than two women, selected councillors shall include such number of women as would make the total number of women councillors at least two and to effectuate this requirement, declaration of result of selection for last seat or last and last but one seats, as the case

may be, shall not be made, but the last and last but one seats, as the case may be, shall be earmarked for selection of woman or two woman candidates by such method as may be prescribed ;

Provided further that if the elected councillors fail to select a woman or women candidates in situation envisaged in immediately preceding proviso, the State Government may, by order, direct selection of a woman or women candidates, as the case may be, within the period specified therein and on failure of the Corporation so to do, fill in the seat and seats by appointing requisite number of women as councillor or councillors, as the case may be, as are otherwise eligible for selection as councillors under this Act.”.

PART II—AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961 (No. 37 of 1961)

3. *Amendment of section 19.*—For clause (b) of sub-section (1) of section 19 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the following clause shall be substituted, namely :—

“(b) selected councillors, in number as nearly as may be, equal to one-fifth of the total number of seats for elected councillors to be selected by single transferable vote by the elected councillors of the new Council from amongst persons residing in the Municipality who are electors and not otherwise disqualified to be councillors by or under this Act ;

Provided that if the elected councillors do not include at least one woman, the selected councillors shall include one woman and to effectuate this requirement declaration of result of selection for the last seat shall not be made, but the last seat shall be earmarked for selection of one woman candidate by such method as may be prescribed ;

Provided that if the elected councillors do not include select at least one woman candidate in a situation envisaged in immediately preceding proviso, the State Government may, by order, direct selection of one woman candidate within the period specified therein and on failure of the council so to do, fill in the seat by appointing one woman as councillor, as is otherwise eligible for selection as a councillor under this Act.”.

THE MADHYA PRADESH ANUGRAHIK TATHA SEVARTH NAGAD ANUDAN SAMAPTI ADHINIYAM, 1982

The following Act received the assent of the Governor on the 15th February 1983 ; and was Published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 19th February 1983.

MADHYA PRADESH ACT NO. 11 OF 1983

An Act to provide for the abolition, in the interest of the general public of gratuitous cash grants and service cash grants granted in perpetuity by the ex-rulers of the Indian States, now forming part of the State of Madhya Pradesh, to their kith and kin and, other persons either on compassionate grounds for their maintenance without their rendering any service in return or on account of the services not being capable of being rendered or any longer required, in the changed circumstances, with a view to extinguishing all liabilities and objection of the State Government, to make unnecessary payments, in the nature of un-earned

wages, and thereby to secure justice, social and economic and for matter connected therewith.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the **Madhya Pradesh AnugrahiK Tatha Sevarth Nagad Anudan Samapti Adhiniyam, 1982.**

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force at once.

2. *Application of Act.*—This Act shall apply to—

(a) all gratuitous cash grants specified in part 'A' of the Schedule; and

(b) all service cash grants specified in part 'B' of the Schedule :

Provided that if the cash grants are in lieu of resumption of maufi or abolition of proprietary rights by way of pension or special or perpetual annuity, such grants shall not be affected by this Act.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date of commencement of this Act ;

(b) "competent authority" means the Commissioner or an Additional Commissioner authorised by the Commissioner in this behalf ;

(c) "exempted grant" means a grant of money specified in section 4 ;

(d) "grantee" means a person or institution to whom gratuitous cash grant or service cash grant, as the cash may be, is payable ;

(e) "gratuitous cash grant" means a grant of money of the nature of maintenance grant granted in perpetuity by the ex-rulers of Indian States now forming part of the State of Madhya Pradesh and known by the name of—

(i) Holkar allowance ;

(ii) Kunwar allowance ;

(iii) Charitable allowance ;

(iv) Dependents allowance ;

(v) Aptā Ahalkar ;

(vi) Nankar or Nagdi Maufi ;

(vii) Nagdi Maufi or Dharmadai or Padarakh as specified in part 'A' of the Schedule ;

(f) "service cash grant" means a grant of money granted in perpetuity by the ex-rulers of Indian States now forming part of the State of Madhya Pradesh for service rendered and known by the name of—

(i) Gires Tanka ;

(ii) Dami Nemnuk ;

(iii) Dharmadai or padarakh ;

(iv) Sardari Nemnuk ;

(v) Siledari or Ekkan or Army Nemnuk ;

(vi) Maankari Nemnuk ;

(vii) Sardehi, Chakrana, Jatboli, as specified in part 'B' of the Schedule.

4. *Exempted cash grants.*—Nothing in this Act shall apply to gratuitous cash grants and service cash grants as are payable for services or worship or similar religious devotional rites in public temples, mosques or churches or other charitable or religious institutions.

Explanation.—For the purpose of this section,—

(a) “charitable institutions” means any charitable establishment with specific location and known address, which is dedicated to, or for the benefit of or used as of right by, the public generally or any community or section thereof for any pious, charitable or philanthropic purpose ;

(b) “religious institution” means any place, by whatever name known, which is used as a place of religious worship or which is dedicated to, or used as of right by, the public generally or any community or section thereof, for religious purposes.

5. *Abolition of gratuitous cash grants and service cash grants and extinguishment of all rights, liabilities and obligations.*—On and from the appointed day all gratuitous cash grants and service cash grants to which this Act applies shall stand abolished and all rights, liabilities and obligations in respect of such gratuitous cash grants and service cash grants shall stand extinguished :

Provided that where the grantee is a person specified in column (1) of the Table below, gratuitous cash grant or service cash grant payable immediately prior to the appointed day shall continue to be payable subject to the conditions and during the period mentioned in the corresponding entry in column (2) of the said Table:—

TABLE

(1)	(2)
(i) A widow	So long as she remains a widow.
(ii) A minor,—	
(a) in the case of male.	Till the date he attains 21 years of age.
(b) in the case of female.	Till the date of her marriage or till the date she attains 21 years of age, whichever is earlier.
(iii) A person above the age of 60 years.	During his life time.
(iv) A person subject to physical disability or mental infirmity owing to which he is incapable of earning his livelihood.	During his life time

6. *Filing of statement by certain grantees.*—(1) Every grantee specified in section 5 shall within a period of three months from the appointed day file a statement before the competent authority in the prescribed form and specify therein the following particulars, namely :—

- (i) name of the grantee ;
- (ii) whether,—

- (a) a minor ;
- (b) a widow ;
- (c) a person above 60 years of age ;
- (d) a person subject to physical disability or mental infirmity owing to which he is incapable of earning his livelihood ;
- (iii) full particulars about age and physical disability or mental infirmity referred to in (ii) above ;
- (iv) the extent of share of each grantee where there are more grantees than one ;
- (v) full particulars of the cash grant payable ;
- (vi) full particulars of pending litigation, if any, respecting such grant or part thereof ;
- (vii) such other particulars as may be prescribed ;

Provided that in case of a grantee who is a minor or mentally infirm, such statement shall be filed by the next friend of the minor or the person mentally infirm, within the meaning of Order XXXII of the Code of Civil Procedure, 1908 (No. 5 of 1908) :

Provided further that in case of a widow or person above sixty years of age, such statement may be filed by any person duly authorised by the widow or such person.

(2) Every statement filed by a grantee specified in sub-section (1) shall be accompanied by a certified copy of the proof in support of the fact that the grantee falls under any of the categories specified in the proviso to section 5.

(3) Every such statement shall be signed and verified in accordance with Order VI, Rule 15 of the Code of Civil Procedure, 1908 (No. 5 of 1908).

(4) On receipt of a statement within the period specified in sub-section (1), the competent authority shall, after making such enquiry as it thinks fit and giving an opportunity to such grantee of being heard, decide the continuance of such cash grant in accordance with the proviso to section 5.

7. *Appeal, revision and review to be in accordance with Madhya Pradesh Act.*—The provisions of Chapter V of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) relating to appeal, revision and review shall apply in the same manner to an order passed by a competent authority under section 6 as they apply to an order passed by a Collector under the said Code.

8. *Power to make rules.*—(1) The State Government may make rules for carrying out all or any of the purposes of this Act.

(2) Rules made under sub-section (1) shall be laid on the table of the Legislative Assembly.

9. *Repeal.*—(1) The Madhya Pradesh Abolition of Cash Grants Act, 1963 (No. 16 of 1963) and all other enactments or orders having the force of law and for the time being in force on the subject are hereby repealed.

(2) The provisions of section 10 of Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958) shall apply to the repeal of the Act, enactments or orders specified in sub-section (1).

SCHEDULE

PART 'A'

[See section 3(e)]

GRATUITOUS GRANTS

Holkar Allowance.—Holkar Allowance is that gratuitous grant granted to a member of Holkar family in the erstwhile Holkar State.

Kunwar Allowance—Kunwar allowance is that gratuitous grant granted in the erstwhile Holkar State to member of families closely related to the Ruler of the former Holkar State or to the members of leading families in that State.

Charitable Allowance to the widows and poor.—Charitable allowance to the widows and poor is that gratuitous grant granted to the widows and poor in the erstwhile Holkar State.

Dependent Allowance.—Dependent Allowance is that gratuitous grant granted to astrologers and vaidyas in the erstwhile Gwalior State.

Apta Ahalkar—Apta Ahalkar is that gratuitous grants granted to near relations of the family of Ruler of the erstwhile Gwalior State in that State.

Nankar or Nagdi Maufi.—Nankar or Nagdi Maufi is that gratuitous grant specified in section 115 of the State Kawayat Jagirdaran Samvat 1970 (1913 A.D) as a kind of grant for maintenance in the former Gwalior State.

Nogdi Maufi.—Nagdi Maufi is that gratuitous grant which was granted for maintenance in the former Holkar State.

Dharmadai or Padarakh.—Dharmadai or Padarakh is that gratuitous grant which was granted to Sadhus for offering prayer for the welfare of the Rulers of the erstwhile Princely State.

PART 'B'

[See Section 3 (f)]

SERVICE CASH GRANTS

Giras Tanka.—Giras Tanka is that service grant which was granted to Jagirdars for maintaining Law and order in the disturbed area in erstwhile princely States.

Dami Nemnuk.—Dami Nemnuk is that service grant which was granted to Jagirdars, Kanungos and Mandlois for assistance in setting villages collections of land revenue, development of agriculture, maintenance of settlement records etc.

Dharmadai or Padarakh.—Dharmadai or Padarakh is that service grant which was granted to persons other than Sadhus for offering prayers for the welfare of the Rulers of erstwhile princely State.

Sardari Nemnak—Sardari Nemnuk is that service grant which was granted to the relations of Rulers of erstwhile princely State or other persons in consideration of service and loyalty.

Shiledari or Ekkan or Army Nemnuk—Shiledari or Ekkan or Army Nemnuk is that service grant which was granted,—

(i) in former Gwalior State for maintaining certain number of horses and personnel as irregular military forces for helping the State in emergency;

(ii) in former Indore State for similar purpose.

Mankari Nemnuk.—Mankari Nemnuk is that Grant which was granted to highly respectable persons or influential persons close to the Rulers for services rendered by such persons.

Sardehi, Chakrana, and similar other grants.—Sardehi, Chakrana, Jatboli and similar other grants are those grants which were granted for some service rendered to the erstwhile state.

THE MADHYA PRADESH SLATE PENCIL KARMKAR KALYAN NIDHI ADHIMIYAM, 1982

The following Act received the assent of the Governor on the 15th February 1983; and was published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 23rd February 1983.

MADHYA PRADESH ACT NO. 13 OF 1983

An Act to provide for the constitution of the Fund for the financing of activities to promote the Welfare of Workers in the Slate Pencil industry in the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY

1. *Short title, extent and commencement*.—(1) This Act may be called the Madhya Pradesh Slate Pencil Karmkar Kalyan Nidi Adhiniyam, 1982.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date or dates as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) "Board" means the Madhya Pradesh Slate Pencil Workers Welfare Board constituted under section 4;

(b) "Contribution" means the sum of money payable to the Board in accordance with the provisions of section 7;

(c) "Slate Pencil Factory" means a factory manufacturing slate pencil from shale stone;

(d) "Fund" means the Madhya Pradesh Slate Pencil Workers Welfare Fund constituted under section 3;

(e) "Independent member" means a member of the Board not connected with the management of the factory;

(f) "Inspector" means an Inspector appointed under section 13;

(g) "Occupier" means any person who employs either directly or through another person either on behalf of himself or any other person, one or more employees in an establishment and includes—

(i) in relation to a factory any person named under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (No. 63 of 1948);

(ii) in any other case, the person, who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person, whether called a manager, managing director or by any other name, such person.

(h) "wages" means wages as defined in clause (vi) of section 2 of the Payment of Wages Act, 1936 (No. 4 of 1936);

(i) "worker" means any person who is employed for hire or reward to do any skilled, semi-skilled or unskilled, manual, clerical, supervisory or technical work in a Slate Pencil Factory, but does not include a person,—

(a) who is employed in a managerial or administrative capacity ;
or

(b) who, being employed in a supervisory capacity draws wages exceeding one thousand and six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office, or by reason of the powers vested in him, functions mainly of a managerial nature.

CHAPTER II—CONSTITUTION OF A FUND AND THE BOARD

3. *Fund.*—(1) The State Government shall constitute a fund which shall be called the Madhya Pradesh Slate Pencil Workers Welfare Fund.

(2) The Fund shall consist of,—

(a) contributions paid under section 7 ;

(b) any voluntary donations ;

(c) any sum paid to the Fund as grant-in-aid or subsidy by the State Government ;

(d) any loan advanced by the State Government.

(3) The sum specified in sub-section (2) shall be paid to or collected by, such persons, at such intervals and in such manner as may be prescribed.

4 *Constitution of board*—(1) The State Government shall by notification, constitute the Madhya Pradesh Slate Pencil Workers Welfare Board for administering the Fund and to perform such other functions as may be assigned to the Board by or under this Act.

(2) The Board shall be a body corporate by the name specified in sub-section (1) having perpetual succession and a common seal, with power to acquire subject to the provisions of this Act, property both moveable and immovable, and may, by the said name, sue or be sued.

(3) The Board shall consist of the following members, namely :—

(a) a Chairman to be nominated by the State Government ;

(b) such number, as may be prescribed, of representatives of occupiers and workers to be nominated by the State Government ;

Provided that both occupiers and workers shall have equal representation on the Board ;

(c) Such number of independent members as may be prescribed to be nominated by the State Government ;

(d) secretary of the Board.

(4) The term of office of the Chairman and the members nominated under clauses (b) and (c) of sub-section (3) shall be three years from the date of its constitution under sub-section (1) or from the date of their nomination :

Provided that the State Government shall be competent to reconstitute the Board before the expiry of its term in public interest.

5. *Disqualification and removal.*—(1) No person shall be nominated as, or continue to be a Chairman or a member of the Board who,—

- (a) is a salaried official of the Board ; or
- (b) is an undischarged insolvent ; or
- (d) is or has been convicted of any offence involving moral turpitude :

Provided that the disqualification under clause (a) shall not apply to Secretary of the Board.

(2) The State Government may remove from office any member of the Board who,—

(a) is or has been subject to any of the disqualifications mentioned in sub-section (1), or

(b) is absent without leave of the Board from more than three consecutive meetings of the Board ; or

(c) is in the opinion of the State Government acting in a manner prejudicial to the interests of the Board.

6. *Resignation and filling up of casual vacancy.*—(1) A member may resign his office by giving notice thereof in writing, to the State Government and on such resignation being accepted, shall be deemed to have vacated his office from the date of such acceptance.

(2) A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the State Government and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(3) No act or proceedings of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board or on the ground that any person had taken part in the proceedings of the Board and had voted in an unauthorised manner.

CHAPTER III—VESTING AND APPLICATION OF FUND

7. *Contribution.*—(1) With effect from such date as the State Government may, by notification, appoint every occupier shall pay contribution to the Board at such rate not exceeding rupees two per one thousand State Pencils manufactured, as the State Government may, from time to time, fix by notification.

(2) The amount of contribution payable under sub-section (1) shall be paid to the Board before 30th June and 31st December.

(3) The amount of contribution paid to the Board under sub-section (2) shall form part of the Fund and be applied as hereinafter provided.

8. *Vesting and application of Fund.*—(1) The Fund shall vest in and be held and applied by the Board as a Trustee subject to the provisions, and for the purposes of the Act. The moneys therein shall be utilised by the Board to defray the cost of carrying out activities which may be specified by the State Government from time to time to promote the welfare of workers and of their dependents.

(2) Without prejudice to the generality of sub-section (1), the moneys in the Fund may be utilised by the Board to defray expenditure on the following :—

- (a) grant-in-aid to the members of family of a worker who died or may die on account of silicosis ;
- (b) medical treatment of a worker suffering from silicosis ;
- (c) community necessities of a worker and his dependents ;
- (d) educational facilities for members of family of a worker ;
- (e) establishment of primary health centres and dispensaries for Slate Pencil factory ;
- (f) home industries and subsidiary occupations for women and unemployed persons dependent on Slate Pencil factory ;
- (g) games, sports, entertainments, and other forms of recreation of the worker ;
- (h) reading rooms and libraries for the worker ;
- (i) payment of life insurance premium in respect of a worker ;
- (j) cost of administering the Act including allowances of the members of the Board salaries and allowance of the staff appointed by the Board ;

(k) such other objects as would in the opinion of the Board improve the standard of living and ameliorate the social conditions of a worker ;

Provided that the Fund shall not be utilised in financing any activity which the occupier is required to carry out under any law for time being in force.

Explanation.—For the purposes of this sub-section “members of the family” in the case of a worker means the other spouse, son, un-married daughter, father, grand father, mother, grand mother, brother, unmarried sister, paternal uncle, paternal uncle’s wife or widow, or brother’s son or unmarried daughter living jointly with, or any other relation dependent on him.

(3) Notwithstanding anything contained in sub-section (1), the State Government may, authorise the Board to utilise the fund for giving loan or advance to an occupier where such loan or advance is for enabling the occupier to discharge the obligation imposed on him by or under any law for the time being in force, for the safety and health of the workers and members of their family.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund the matter shall be referred to the State Government whose decision shall be final and binding.

9. *Audit and accounts.*—(1) The Board shall cause to be maintained such account, records and registers, as may be prescribed,

(2) The Board shall soon after the close of the financial year prepare an annual statement of its accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Board shall be audited by the Director of Local Fund Accounts and shall be subject to the provisions of the Madhya Pradesh Sthaniya Nidhi Sampariksha Adhiniyam, 1973 (No 43 of 1973) and the provisions of the said Act shall apply to the Board as if the Board were a local authority subject to the modification that the principal officer in relation to the Board shall mean the Secretary of the Board.

CHAPTER IV—APPOINTMENT OF STAFF AND INSPECTORS

10. *Appointment of officer and staff*—(1) The Board shall have powers, subject to such conditions as may be prescribed, to appoint officers, clerical and executive staff to carry out and supervise the activities financed from the Fund.

(2) The Secretary of the Board shall be appointed by the State Government, who shall be the principal Executive Officer of the Board.

(3) The State Government may depute to the service of the Board any Government servant and the terms and conditions of deputation of such servants shall be determined by the State Government in consultation with the Board and the terms and conditions so determined shall be binding on the Board.

11. *Service conditions*.—The method of recruitment and the condition of service including pay-scales of the persons appointed under sub-sections (1) and (2) of section 10 shall be such as may be prescribed.

12. *Limitation on certain expenditure*.—The expenditure on the officers and servants appointed under this Chapter and other administrative expenditure shall not exceed the prescribed percentage of the annual income of the Fund.

13. *Inspector*.—(1) Inspectors appointed under sub-section (2) of section 40 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) and those appointed under sub-section (1) of section 8 of the Factories Act, 1948 (No. LXIII of 1948) shall be the Inspectors for the purposes of this Act in respect of Slate Pencil Factory to which this Act applies in order to inspect records and to ascertain and verify sums payable into the Fund.

(2) Any inspector may—

- (a) with such assistance, if any, as he thinks fit, enter at any reasonable time, any premises for carrying out the purposes of the Act;
- (b) exercise such other powers as may be prescribed.

CHAPTER V—MISCELLANEOUS

14. *Power to call for records, etc.*—The State Government or any officer authorised by the State Government in this behalf may call for any information, or the records of the Board, inspect the same and may supervise the working of the Board.

15. *Direction by State Government to Board*.—The State Government may give to the Board such directions as in its opinion are necessary or expedient in connection with welfare of the workers, expenditure from the Fund or for carrying out the other purposes of the Act and the Board shall comply with such directions.

16. *Mode of recovery of sum payable to Board.*—Any sum payable to Board or into the Fund under this Act, shall without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue.

17. *Member etc., to be public servants.*—The members of the Board, and the persons appointed or deputed under section 10 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

18. *Protection to persons acting in good faith.*—No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

19. *Penalty for obstructing Inspector in the discharge of his duties or for failure to produce documents etc.*—Any person, who wilfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act or fails to produce for inspection on demand by an Inspector any registers, records or other documents required to be maintained in pursuance of the provisions of this Act or the rules made thereunder or to supply him on demand true copies of relevant entries from such register or record or true copies of any such documents, shall on conviction be punished,—

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both ; and

(b) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both :

Provided that where the offender is sentenced to fine only the amount of fine shall not be less than fifty rupees.

20. *Jurisdiction.*—(1) No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under section 19.

(2) No prosecution for such offence shall be instituted, except by an Inspector with the previous sanction of the Chairman of the Board.

21. *Power to make rules.*—(1) The State Government may, by notification, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the persons who shall collect the sums and the intervals at which and the manner in which such sums shall be paid or collected under sub-section (3) of section 3 ;

(b) the number of representatives of occupiers, workers and independent members on the Board under sub-section (3) of section 4 ;

(c) the accounts, records and registers to be maintained under sub-section (1) and the form in which annual statement of accounts shall be prepared under sub-section (2) of section 9 ;

(d) conditions subject to which Board may appoint officers, clerical and executive staff under section 10 ;

(e) the method of recruitment and conditions of service of the persons under section 11 ;

(f) the percentage of the annual income of the fund beyond which the Board may not spend on the officers and servants and other administrative matters under section 12 ;

(g) powers which an Inspector shall exercise under clause (b) of sub-section (2) of section 13 ;

(h) any other matter which has to be or may be prescribed

22. Removal of difficulty.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in Gazette, make such provision not inconsistent with the provisions of this Act as appears it to be necessary or expedient for the removal of the difficulty.

Provided that no such order shall be made after the expiration of two years from the commencement of this Act

(2) Every order made under sub-section (1) shall be laid on the table of the Legislative Assembly.

THE MADHYA PRADESH APPROPRIATION (VOTE ON ACCOUNT) ACT, 1983

The following Act of the Madhya Pradesh Legislature, received the assent of the Governor on 16th March, 1983 and was published in the Madhya Pradesh Gazette, dated March 18, 1983.

MADHYA PRADESH ACT NO. 19 OF 1983

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of a part of the Financial Year 1983-84.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Appropriation (Vote on Account) Act, 1983.

(Text omitted)

THE MADHYA PRADESH APPROPRIATION (NO. 1) ACT, 1983

The following Act of the Madhya Pradesh Legislature, received the assent of the Governor on 11th March, 1983 and was published in the Madhya Pradesh Gazette, dated March 16, 1983.

MADHYA PRADESH ACT NO. 18 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of the Financial year 1982-83.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Appropriation (No. 1) Act, 1983.

(Text omitted)

**THE MADHYA PRADESH LOKAYUKT EVAM UP-LOK-AYUKT
(SANSHODHAN) ADHINIYAM, 1983**

The following Act of the Madhya Pradesh Legislature, received the assent of the Governor on the 10th March, 1983 and was published in the Madhya Pradesh Gazette, dated March 14, 1983.

MADHYA PRADESH ACT NO. 17 OF 1983

An Act further to amend the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the **Madhya Pradesh Lokayukt Evam Up-Lokayukt (Sanshodhan) Adhiniyam, 1983.**

2. *Amendment of section 12.*—Sub-section (2-A) of section 12 of the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981) (herein after referred to as the Principal Act), shall be omitted

3. *Insertion of section 12-A.* After Section 12 of the Principal Act, the following section shall be inserted, namely :—

“12-A. *Report in respect of complaint against Chief Minister.*—

(1) If the Chief Minister receives a report of the Lokayukt in respect of a complaint against himself, he shall, notwithstanding anything contained in section 12 alongwith his explanatory note, if any, forthwith submit it to the Governor.

(2) The Governor shall after perusal of the report and the explanatory note, if any, take such action as he may in his individual discretion deem fit or expedient to take and cause copies of the report, explanatory note, if any, and of the order passed by him to be laid on the Table of the State Legislative Assembly.”

4. *Repeal.*—The Madhya Pradesh Lokayukt Evam Up-Lokayukt (Sanshodhan) Adhyadesh, 1983 (No. 2 of 1983) is hereby repealed.

**THE MADHYA PRADESH GRIHA NIRMAN MANDAL
(SANSHODHAN) ADHINIYAM, 1983**

The following Act of the Madhya Pradesh Legislature, received the assent of the Governor on 9th March, 1983 and was published in the Madhya Pradesh Gazette, dated March 14, 1983.

MADHYA PRDDESH ACT NO. 16 OF 1983

An Act further to amend the Madhya Pradesh Griha Nirman Mandal Adhiniyam, 1972.

Be it enacted by the Madhya Pradesh Legeslature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the **Madhya Pradesh Griha Nirman Mandal (Sanshodhan) Adhiniyam, 1983.**

2. *Amendment of section 29.*—In sub-section (1) of section 29 of the Madhya Pradesh Griha Nirman Mandal Adhiniyam, 1972 (No 3 of 1973), (hereinafter referred to as the Principal Act), the following proviso shall be inserted, namely :—

"Provided that a contract with any person or institution or organisation outside India may be made on behalf of the Board by such other person also as the Board may specially authorise in this behalf."

3. *Insertion of new section 41-A.*—In Chapter IX of the Principal Act, before section 43, the following section shall be inserted namely :—

"42-A. *Rendering of Financial Assistance to local authorities etc, on a direction by State Government.*—The State Government may direct the Board to render financial assistance to local authorities, Town Improvement Trusts, Development Authorities including Special Area Development Authorities and other statutory bodies, as may be notified by the State Government in this behalf, which undertake the function or activity of development of urban areas or construction of houses as a part of housing programme under any enactment for the time being in force and upon receipt of such direction it shall be the duty of the Board to render financial assistance in accordance with the directions.

Explanation.—In this section—

(i) "Town Improvement Trust" means Town Improvement Trust established and constituted under the Madhya Pradesh Town Improvement Trust Act, 1960 (No. 14 of 1960) ;

(ii) "Development Authority" or "Special Area Development Authority" means "Town and Country Development Authority" or "Special Area Development Authority", as the case may be, constituted under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) ;

(iii) "Housing Programme" includes slums clearance, sewage system, electric installations, lighting and connections, water supply system, construction of roads or such other purposes as may be notified by the State Government in this behalf."

4. *Amendment of section 62.*—In section 62 of the Principal Act, —

(a) in sub-section (1), after the words "from any corporation owned or controlled by the Central or State Government", the words "or from the International Bank for Reconstruction and Development (IBRD) or any other inter-Governmental agency functioning under the United Nations Organisation" shall be inserted ;

(b) in sub-section (3),

(i) for the words "subject to such conditions and limitation as may be prescribed and with the previous approval of the State Government", the words "subject to such conditions and limitations as the State Government may from time to time, specify" shall be substituted ;

(ii) after the words "for the promotion and execution of any, housing scheme under this Act", the words "or for the purposes of this Act" shall be inserted ; and

(iii) before the words "with any bank or other financial institution approved by the State Government", the words "with the International Bank for Reconstruction and Development (IBRD) or any other inter-Governmental agency functioning under the United Nations Organisation or" shall be inserted.

5. *Repeal.*—The Madhya Pradesh Griha Nirman Mandal (Sanshodhan) Adhyadesh, 1983 (No. 1 of 1983) is hereby repealed.

THE MADHYA PRADESH ADHIVAKTA KALYAN NIDHI ADHINIYAM, 1982

The following Act received the assent of the Governor on the 27th March 1982, and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 27th March 1982.

MADHYA PRADESH ACT NO. 9 OF 1982

An Act to provide for the Constitution of a Welfare fund for running various schemes for the social security and welfare of Advocates in the State of Madhya Pradesh and for matters connected therewith or incidental thereto

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY

1. *Short title and extent.*—(1) This Act may be called the Madhya Pradesh Adhivakta Kalyan Nidhi Adhiniyam, 1982

(2) It extends to the whole of the State of Madhya Pradesh.

2. *Definitions*—In this Act, unless the context otherwise requires,—

(a) "advocate" means a person whose name has been entered in the State roll of Advocates prepared and maintained by the Bar Council of Madhya Pradesh under section 17 of the Advocates Act, 1961 (No. 25 of 1961) and who is a member of a Bar Association;

(b) "Bar Association" means an association of advocates recognised by the Bar Council under section 16 ;

(c) "Bar Council" means the Bar Council of Madhya Pradesh constituted under section 3 of the Advocates Act, 1961 (No. 25 of 1961);

(d) "Cessation of practice" means permanent stoppage or cessation of practice by an advocate on account of his retirement, death or any other reason, as the case may be, duly notified to the Bar Council, and includes removal of the name of an advocate from the State roll maintained by the Bar Council ;

(e) "dependents" means wife, husband, father, mother, unmarried children and widowed daughter of the advocate and actually dependent on him for maintenance ;

(f) "fund" means the Advocates' Welfare Fund constituted under section 3 ;

(g) "junior advocate" means an advocate who was enrolled as an advocate by the Bar Council not more than five years ago ;

(h) "member of the fund" means an advocate as defined in clause (a) ;

(i) "retirement" means permanent stoppage of practice as an advocate on account of advanced age infirmity any time after attaining the age of sixty years and communicated to and recorded by the Bar Council ;

(j) "suspension of practice" means voluntary suspension of practice as an advocate or suspension by the Bar Council for misconduct ;

(k) "Trustee Committee" means the committee established under section 4;

CHAPTER II—CONSTITUTION OF FUND

3. *Advocates' welfare fund.*—(1) With effect from the date of establishment of Trustee Committee under sub-section (1) of section 4, there shall be constituted a fund called the Advocates' Welfare Fund.

(2) There shall be credited to the fund,—

(a) a grant of rupees six lakhs that shall initially be made by the State Government to the fund ;

(b) any amount paid by the Bar Council;

(c) any voluntary donation or contribution made to the fund by the Bar Council of India, a Bar Association, other association or institution, any advocate or any other person;

(d) any sum borrowed under section 12;

(e) all moneys credited under section 18;

(f) all sums received from the Life Insurance Corporation of India on the death of an advocate under the group insurance of the member of the fund ;

(g) any profit, dividend, or refund received from the Life Insurance Corporation of India in respect of policies in group insurance of the member of the fund ;

(h) any interest or dividend or other return on any investment made of any part of the fund ;

(i) any other amount received by the Trustee Committee.

(3) The sums specified in sub-section (2) shall be paid to, or collected by, such agencies, at such rate and in such manner, and the account of the fund shall be maintained in such form, as may be prescribed.

CHAPTER III—ESTABLISHMENT OF TRUSTEE COMMITTEE,
APPLICATION OF FUND AND ITS MANAGEMENT, ETC.

4. *Establishment of Trustee Committee.*—(1) With effect from such date as the State Government may, by notification, appoint in this behalf there shall be established for the purposes of this Act a Trustee Committee to be called the Madhya Pradesh Advocates' Welfare Fund Committee.

(2) The Trustee Committee shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The Trustee Committee shall consist of the following, namely:—

A—EX-OFFICIO MEMBERS

(i) the Minister-in-charge of Law—Chairman ;

(ii) the Minister of State-in-charge of Law—Vice-Chairman ;

(iii) the Chairman, Bar Council—Vice-Chairman ;

(iv) the Advocate General, Madhya Pradesh ;

(v) the Secretary to the Government of Madhya Pradesh, Law and Legislative Affairs Department—Secretary;

(vi) Secretary, Bar Council—Joint Secretary (having no voting rights);

(vii) Treasurer, Bar Council—Treasurer;

(viii) the General Manager of the Local Head Office of the State Bank of India or his nominee not below the rank of Regional Manager;

(ix) the Divisional Manager of the Life Insurance Corporation of India, Indore or his nominee not below the rank of Deputy Divisional Manager;

(x) the Secretary to the Government of Madhya Pradesh, Finance Department;

B—NOMINATED MEMBERS

(xi) two members to be nominated by the Bar Council ;

(xii) two members to be nominated by the State Government of whom one shall be a member of Parliament from the State and the other shall be a member of the State Legislative Assembly.

(4) A nominated member shall hold office during the pleasure of the authority nominating him but the term of his office shall not exceed five years from the date of his nomination.

(5) Whenever any person is nominated or appointed as a member of the Trustee Committee by virtue of the post or office held by him, he shall forthwith cease to be a member of the Trustee Committee on his ceasing to hold such post or office.

5. *Disqualification for being a member of Trustee Committee.*—A person shall be disqualified for being nominated or appointed as, and for being a member of, the Trustee Committee if he—

(a) becomes of unsound mind ; or

(b) is adjudged insolvent; or

(c) is absent without leave of the Trustee Committee for more than three consecutive meetings of the Trustee Committee; or

(d) is a defaulter to the fund (in case he is a member of the fund) or has committed breach of trust; or

(e) is convicted by a criminal court for an offence involving moral turpitude or an economic offence unless such conviction has been set aside.

6. *Resignation by nominated Members of Trustee Committee.*—A nominated member may resign his office by a notice in writing to the Chairman of the Trustee Committee and it shall be deemed to have been accepted as soon as it is so tendered as to be out of the reach or control of the tenderer.

7. *Filling up of Casual vacancy.*—A casual vacancy in the office of a member may be filled up, as soon as may be and a member so nominated to fill such vacancy shall hold office for the unexpired portion of the term of office of the member whose place he fills.

8. *Act of Trustee Committee not to be invalidated by vacancy defect, etc.*—No act done or proceeding taken under this Act or the rules made thereunder by the trustee Committee shall be invalidated merely by reasons of—

(a) any vacancy or defect in the constitution of the Trustee Committee; or

(b) any defect or irregularity in the nomination of any person as a member thereof; or

(c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

9. *Vesting and application of Fund.*—(1) The fund shall vest in, and be held and applied by the Trustee Committee subject to the provisions, and for the purposes of this Act.

(2) The Trustee Committee shall administer the fund, through the Secretary.

10. *Meetings of Trustee Committee.*—(1) The Trustee Committee shall meet atleast once in three calendar months or more often if found necessary to transact business under this Act or the rules made thereunder.

(2) Five members of the Trustee Committee shall form the quorum for a meeting of the committee

(3) The Chairman or in his absence, one of the Vice-Chairman shall preside over a meeting of the Trustee Committee.

(4) Any matter coming up before a meeting of the Trustee Committee shall be decided by a majority of the members present and voting at the meeting and, in the case of an equality of votes the Chairman or Vice-Chairman, as the case may be, shall preside over the meeting and shall have a casting vote.

11. *Travelling and daily allowance to members of Trustee Committee*—(1) The non-official members of the Trustee Committee shall be eligible to get such travelling allowance and daily allowance as may be prescribed.

(2) Official members shall draw their travelling and daily allowance as admissible to them by virtue of their office in the Government.

(3) The travelling and daily allowance so payable to the members shall be paid out of the fund.

12. *Funds, borrowing and investment.*—(1) The Trustee Committee may borrow, from time to time, any sum required for carrying out the purposes of this Act.

(2) The Trustee Committee shall deposit all moneys and receipts forming part of the Fund in any scheduled bank or invest the same in loans to any corporation owned or controlled by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in any other manner.

(3) All amounts due and payable under this Act and all expenditures relating to the management and administration of the fund shall be paid out of the fund.

(4) The accounts of the Trustee Committee shall be audited annually by a Chartered Accountant appointed by it.

(5) As soon as the accounts of the Trustee Committee have been audited, the Trustee Committee shall send a copy thereof together with a copy of the report of the Chartered Accountant thereon to the State Government.

(6) The Trustee Committee shall comply with such directions as the State Government may, after perusal of the audit report of the Chartered Accountant think fit to issue.

13. *Power and duties of Secretary.*—The Secretary of the Trustee Committee shall,—

- (a) be the chief executive authority of the Trustee Committee and be responsible for carrying out its decisions ;
- (b) represent the Trustee Committee in the suits and proceedings for and against the Trustee Committee ;
- (c) authenticate by his signature all decisions and instructions of the Trustee Committee ;
- (d) operate the bank accounts of the Trustee committee jointly with the Treasurer ;
- (e) convene meetings of the Trustee Committee and prepare its minutes ;
- (f) attend the meetings of the Trustee Committee with all the necessary records and information ;
- (g) maintain such forms, registers and other records as may be prescribed, from time to time, and do all correspondence relating to the Trustee Committee ;
- (h) prepare an annual statement of business transacted by the Trustee Committee during each financial year ; and
- (i) do such other acts, on their behalf, as may be directed by the Trustee Committee or the Chairman.

14. *Transfer of certain moneys to the fund.*—The Bar Council shall pay to the fund annually an amount as may be prescribed.

CHAPTER IV—FRAMING OF SCHEMES

15. *Preparation of schemes by the Trustee Committee.*—(1) The Trustee Committee in consultation of the Bar Council of Madhya Pradesh may prepare scheme for,—

- (i) the group insurance of the advocates ;
 - (ii) granting gratuity and/or retirement benefits to the advocates enrolled as participating members for such schemes ;
 - (iii) the financial aid to the junior advocates by way of stipend on nominal interest repayable in easy instalments or for giving guarantee for facilitating advance of such loan to the junior advocates by a financing institution ;
 - (iv) medical insurance of the advocates ;
 - (v) facilitating house building loans to the advocates ; and
 - (iv) such other welfare or benefits to the advocates as it deems fit.
- (2) The scheme shall be submitted to the State Government which shall publish it and thereafter shall lay it on the table of the Legislative Assembly for ten days.

(3) On such publication, the provisions of the scheme shall form part of this Act.

CHAPTER V—BAR ASSOCIATION, ITS REGISTRATION, DUTIES AND FUNCTIONS

16. *Recognition and registration of Bar Association.*—(1) An association of advocates, known by any name, functioning in any part of the State may, before a date to be notified by the Bar Council in this behalf, apply for recognition and registration, to the Bar Council in such form and on payment of such annual subscription, or other fees as the Bar Council may, from time to time, determine.

(2) Every such application shall be accompanied by the rules or byelaws of the association, names and addresses of the office bearers of

the association and an up-to-date list of the members of the association showing the name, address, date of birth, age, date of enrolment and the ordinary place of practice of each member.

(3) The Bar Council may, after such enquiry as it deems necessary, recognise the association and issue a certificate of registration in such form as it may specify.

(4) The decision of the Bar Council regarding the recognition and registration of a Bar Association shall be final.

17. *Duties of Bar Associations* —(1) Every Bar Association shall, on or before the 15th April every year, intimate to the Bar Council a list of its members as on the 31st March of that year.

(2) Every Bar Association shall intimate to the Bar Council,—

(a) any change of the office bearers of the association within fifteen days from the date of such change ;

(b) any change in the membership including admissions and re-admission within thirty days from the date of such change ;

(c) the death, retirement, cessation or suspension of practice of any of its member within thirty days from the date of the happening of the event or on receiving of the intimation thereof, whichever is later ; and

(d) such other matters as may be required by the Bar Council, from time to time.

CHAPTER VI—STAMPS AND THEIR DISTRIBUTION.

18. *Printing of Madhya Pradesh Adhivakta Kalyan Nidhi Stamps.*—The State Government shall, on the requisition made by the Bar Council of Madhya Pradesh, print or cause to be printed in such form and in such manner as may be prescribed in consultation with the Bar Council, adhesive stamps bearing the words "Madhya Pradesh Adhivakta Kalyan Nidhi Stamp" of the value of Re. one and Rs four for being supplied to the Bar Council for distribution and sale on 10% commission basis.

19. *Memo of appearance to bear stamps.*—(1) A memo of appearance filed in any court other than the High Court in a subordinate court shall bear the Madhya Pradesh Adhivakta Kalyan Nidhi Stamp of the value of Re. one.

(2) A memo of appearance filed in the High Court shall bear the Madhya Pradesh Adhivakta Kalyan Nidhi Stamp of Rs four.

(3) No advocates shall file a memo of appearance in a civil, revenue, criminal, labour or other court or Tribunal unless it is affixed with the Advocates Welfare Fund Stamp of appropriate value.

20. *Cancellation etc. of the stamps*—Every stamp so affixed on the memo of appearance shall be cancelled in a manner provided in the Court fees Act, 1810 (VII of 1870) for cancellation of Court fees stamps.

21. *Contribution to Advocates Welfare Fund.*—Net proceeds received from the distribution and sale of the Madhya Pradesh Adhivakta Kalyan Nidhi Stamps shall be contributed by the Bar Council to the Madhya Pradesh Adhivakta Kalyan Nidhi

22. *Value of the stamp shall not be chargeable from the clients*—No advocate shall charge the value of the Madhya Pradesh Adhivakta

Kalyan Nidhi Stamp from any client and contravention thereof shall be deemed to be a misconduct.

CHAPTER VII—MISCELLANEOUS

23. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Trustee Committee or the Bar Council for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

24. *Bar of jurisdiction of Civil Courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Trustee Committee or the Bar Council.

25. *Power to make rules.*—(1) The Trustee Committee may, with the previous approval of the State Government, by notification make rules for the purpose of carrying into effect the provisions of this Act.

Provided that before giving approval to the rules framed by the Trustee Committee the State Government shall consult the Bar Council.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly.

26. *Application of Advocates Act, 1961 not barred.*—The provisions of this Act shall be complimentary to and not in derogation of the Advocates Act, 1961 (No. 25 of 1961).

27. *Repeal.*—The Madhya Pradesh Adhivakta Kalyan Nidhi Adhyadesh, 1981 (No. 14 of 1981) is hereby repealed.

THE MADHYA PRADESH KARADHAN (SANSHODHAN) ADHINIYAM, 1983.

The following Act received the assent of the Governor on the 5th March 1983; and was published in the "Madhya Pradesh Gazette" (Extra ordinary), dated the 10th March 1983.

MADHYA PRADESH ACT NO. 15 OF 1983.

An Act further to amend the Madhya Pradesh Karadhan Adhinyam, 1982

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Madhya Pradesh Karadhan (Sanshodhan) Adhinyam, 1983.

(2) It shall come into force at once.

2. *Amendment of section 8.*—In section 8 of the Madhya Pradesh Karadhan Adhinyam, 1982 (No. 15 of 1982) (hereinafter referred to as the Principal Act) after clause (b), the following clause shall be inserted, namely :—

"(bb) 'major mineral' means a mineral other than a minor mineral, and shall include all types of limestone irrespective of its uses ;"

3. *Amendment of section 9.*—For sub section (1) of section 9 of the Principal Act, the following sub-section shall be substituted, namely :—

“(1) There shall be levied and collected on the land held under a mining lease for undertaking mining operations for a major mineral a mineral areas development cess at the rate of one hundred per centum of the rental value thereof.”

4. *Repeal.*—The Madhya Pradesh Karadhan (Sanskodhan) Adhyadesh, 1983 (No. 3 of 1983), is hereby repealed.

THE MADHYA PRADESH UCHCHA SHIKSHA ANUDAN AYOG (SANSKODHAN) ADHINIYAM, 1982.

The following Act received the assent of the Governor on the 25th January 1983; and was published in the “Madhya Pradesh Gazettee” (Extraordinary), dated the 2nd February 1983.

MADHYA PRADESH ACT NO. 9 OF 1983.

An Act to amend the Madhya Pradesh Uchcha Shiksha Anudan Ayog Adhiniyam, 1983.

1. *Short title.*—This Act may be called the Madhya Pradesh Uchcha Shiksha Anudan Ayog (Sanskodhan) Adhiniyam, 1982.

2. *Amendment of Section 5.*—In sub-section (1) of section 5 of Madhya Pradesh Uchcha Shiksha Anudan Ayog Adhiniyam, 1973 (No. 21 of 1973) (hereinafter referred to as the Principal Act), after the second proviso, the following proviso shall be inserted, namely;—

“Provided also that notwithstanding the expiration of the term of his office, the Chairman or the member, as the case may be, shall continue in office until his successor is appointed and enters upon his office but such period shall not exceed six months.”

3. *Substitution of new Section for section 18.*—For section 18 of the Principal Act, the following section shall be substituted, namely:—

“18. *Accounts and audit.*—(1) Ayog shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare an annual statement of accounts in the prescribed manner.

(2) The Ayog shall cause its accounts to be audited annually by such person as the State Government may direct

(3) As soon as the accounts of the Ayog have been audited, the Ayog shall send a copy thereof together with a copy of the related report of the auditor to the State Government and shall cause the accounts to be published in the prescribed manner and make available copies of the accounts at a reasonable price.

(4) The Ayog shall comply with such directions as the State Government may after perusal of the report of the auditor thinks fit to issue.”

4. *Amendment of Section 28.*—In sub-section (2) of section 28 of the Principal Act, for clause (h), the following clause shall be substituted, namely :—

“(h) form in which annual statement of accounts and the balance sheet shall be prepared by the Ayog under sub-section (1) of section 18 and the manner in which accounts shall be published under sub-section (3) of the said section.”

**THE MADHYA PRADESH SAHAKARI BHOOMI VIKAS BANK
(SANSHODHAN) ADHINIYAM, 1982.**

The following Act received the assent of the Governor on the 26th January, 1983, and was Published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 2nd February 1983.

MADHYA PRADESH ACT NO. 8 OF 1983

An Act further to amend the Madhya Pradesh Sahakari Bhoomi Vikas Bank Adhiniyam, 1966.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the **Madhya Pradesh Sahakari Bhoomi Vikas Bank (Sanshodhan) Adhiniyam, 1982.**

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of section 2.—Section 2 of the Madhya Pradesh Sahakari Bhoomi Vikas Bank Adhiniyam, 1969 (No. 28 of 1966) (hereinafter referred to as the Principal Act), shall be numbered as sub-section (1) thereof and,—

(a) in sub-section (1), as so renumbered—

(i) for clause (b), the following clause shall be substituted, namely :—

“(b) “Central Development Bank” means Madhya Pradesh State Co-operative Land Development Bank Limited and Madhya Pradesh State Co-operative Bank Limited;”;

(ii) for clause (d), the following clause shall be substituted, namely :—

“(d) “development bank” means a co-operative land development bank, central co-operative bank and resource society, excluding Primary Co-operative Bank;”;

(iii) for clause (e), the following clause shall be substituted, namely :—

“(e) “Registrar” means the Registrar of Co-operative Societies appointed under section 3 of the Madhya Pradesh Co-operative Societies Act, 1960 (No 17 of 1961) and includes a person appointed under section 3 of this Act;”;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

“(2) words and expressions used in this Act and not defined herein but defined in the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961), shall have the meaning assigned to them in that Act.”.

3 Insertion of new section 8-A.—After section 8 of the Principal Act, the following section shall be inserted, namely :—

‘**8-A. Credit stabilisation Fund.**—(1) The Central Development Bank may constitute a Credit Stabilisation Fund for the purpose of—

(i) enabling it to discharge its obligations in the event of postponement of repayment of instalment of loans; or

(ii) meeting the obligations of sinking fund, as a consequence of total or partial failure of crops on account of drought or any other natural calamity.

(2) The Central Development Bank and the Development Bank shall contribute to such fund at such rates, and the fund shall be maintained and utilised in such manner and for such other purposes as may be determined by the Registrar. The Central Development Bank may receive contribution to the fund from the Central Government, the State Government and National Agriculture and Rural Development Bank as each of them may make from time to time."

4. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) after clause (iii), the following clause shall be inserted, namely :

"(iii-a) redemption of debts borrowed by a member of a Scheduled Caste or a Scheduled Caste or a Schedule Tribe or weaker sections of the people from a society;"

(b) in clause (iv), for the brackets, words and figures "(i) to (iii)", the brackets, words, figures and letter" (i) to (iii-a)" shall be substituted ;

(c) the existing Explanation shall be renumbered as Explanation I and—

(i) in Explanation I as so renumbered, after item (g), the following items shall be inserted, namely :—

"(gg) pisciculture ;

(ggg) poultry, animal husbandry or dairy farming;"

(ii) after the Explanation I as so renumbered, the following Explanation shall be inserted, namely :—

"*Explanation II.*—(a) "member of a Scheduled Caste" means a member of any caste, race or tribe or part of or group within a caste, race or tribe specified as a Scheduled Caste with respect to the State of Madhya Pradesh under article 341 of the Constitution of India ;

(b) "member of a Scheduled Tribe" means a member of any tribe or tribal community or part of or group within a tribe or tribal community specified as a Scheduled Tribe with respect to the State of Madhya Pradesh under article 342 of the Constitution of India ;

(c) "member of a weaker section of the people" means a member of a weaker section of society fulfilling such conditions as may be prescribed."

5. *Substitution of new section for section 11*—For section 11 of the Principal Act, the following section shall be substituted, namely :—

"11. *Disposal of applications for loan.*—When an application for a loan is made for any of the purposes mentioned in section 10, it shall be disposed of in such manner, by such authority and within such time as may be prescribed."

6. *Substitution of new section 13.*—For section 13 of the Principal Act, the following new section shall be substituted, namely :—

"13. *Power to make rules.*—The State Government may, by notification, make rules not inconsistent with the provisions of this chapter for—

(a) the manner in which, the authority by which and the time within which application shall be disposed of under section 11 ;

(b) generally for carrying out the provision of this Chapter."

7. *Amendment of section 18.*—In sub-section (2) of section 18 of the Principal Act,—

(i) to clause (a), the following proviso shall be added at the end, namely :—

“Provided that the Board shall be deemed to have authorised the exercise of such power if no reply is received from the Board within thirty days of making a reference by the committee of the bank or any person authorised by the committee for the purpose.”

(ii) in sub-clause (ii) of clause (b), for the word ‘Board’ the word ‘Committee’ shall be substituted.

(ii) in sub-clause (ii) of clause (b), for the word ‘Board’ the words ‘Committee’ shall be substituted.

8. *Amendment of section 24.*—In section 24 of the Principal Act,—

(i) in sub-section (1) and (2), for the word “court”, the word “Collector” shall be substituted ;

(ii) Explanation shall be omitted.

9. *Substitution of new section for section 46.*—For section 46 of the Principal Act, the following section shall be substituted, namely :

“46. *Officers of banks not to bid at sales.*—At any sale of movable or immovable property held under this Act, in order to recover any money due to a Development Bank, no officer or employee of such or of the Central Development Bank (except on behalf of the bank of which he is an officer or employee) and no such officer or other person having any duty to perform in connection with such sale, shall either directly or indirectly, bid for or acquire or attempt to acquire any interest in such property ;

Explanation.—For the purpose of this section, the expression “Officer” shall have the same meaning as assigned to that expression in clause (u) of section 2 of the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961).”

10. *Insertion of new section 46-A, and 46-B.*—After section 46 of the Principal Act, the following sections shall be inserted, namely :—

“46-A. *Registrar and other officers to be public servants.*—The Registrar, a person exercising the power of the Registrar and every officer or person or authority exercising or authorised to exercise powers under this Act shall be deemed to be a public servant within the meaning of section 31 of the Indian Penal Code 1860 (45 of 1860).”

“46-B. *Indemnity for acts done in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Registrar, or any person subordinate to him or acting under his authority, for anything which is in good faith done or intended to be done under this Act.”

11. *Amendment of section 48.*—In section 48 of the Principal Act,—

(i) in the first paragraph, the words “subject to the prior approval of the State Government” shall be omitted ;

(ii) the following proviso shall be inserted at the end namely :—

“Provided that regulations under clauses (f) to (j) shall not be made except with the prior approval of the State Government or if the State Government by an order in writing so directs, of the Registrar.”

**SAUGAR JABALPUR AUR INDORE VISHWAVIDYALAYA
(NAM PARIVARTAN) ADHINIYAM, 1982**

The following Act received the assent of the Governor on the 26th January 1983 ; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 2nd February 1983.

MADHYA PRADESH ACT NO. 10 OF 1983

An Act to change the names of Universities of Saugar, Jabalpur and Indore.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **Saugar, Jabalpur Aur Indore Vishwavidyalaya (Nam Parivartan) Adhiniyam, 1982.**

2. *Change of name of University of Saugar Jabalpur and Indore.*—On and after the commencement of this Act, the Universities mentioned in column (1) of the table below shall be known by the names specified in the corresponding entry in column (2) thereof.

TABLE

Existing name of the University (1)	Name by which the University shall be known (2)
The University of Saugar	Doctor Harisingh Gour Vishwavidyalaya, Saugar.
The University of Jabalpur	Rani Durgavati Vishwavidyalaya, Jabalpur.
The University of Indore	Devi Ahilya Vishwavidyalaya, Indore.

and any reference to the University of Saugar, the University of Jabalpur or the University of Indore, as the case may be, in any enactment for the time being in force or anything made or any rule, order, notification, bye-laws, statute, ordinance or in any indenture, instrument or other document shall be construed as a reference to the name of the respective University as shown in column (2) of the said table.

3. *Amendment of Second Schedule Act No. 22 of 1973.*—In column (1) of the Second Schedule to the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973) :

(i) for the words "the University of Saugar", the words "Doctor Harisingh Gour Vishwavidyalaya, Saugar" ;

(ii) for the words "the University of Jabalpur", the words "Rani Durgavati Vishwavidyalaya, Jabalpur" ; and

(iii) for the words "The University of Indore", the words "Devi Ahilya Vishwavidyalaya, Indore" shall respectively be substituted.

THE MADHYA PRADESH APPROPRIATION (NO. 2) ACT, 1983.

The following Act received the assent of the Governor on the 17th April, 1983, and was published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 20th April 1983.

MADHYA PRADESH ACT NO. 22 OF 1983

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of the financial year 1983-84.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Appropriation (No. 2) Act, 1983.

(Text Omitted)

THE MADHYA PRADESH ADHYAKSHA TATHA UPADHYAKSHA, MANTRI, NETA PRATI-PAKSHA TATHA VIDHAN SABHA SADASYA (VETAN TATHA BHATTA) VIDHI SANSHODHAN ADHINIYAM, 1983.

The following Act received the assent of the Governor on the 2nd May 1983; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 6th May 1983.

MADHYA PRADESH ACT NO 24 OF 1983.

An Act further to amend the Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972, the Madhya Pradesh Mantri (Vetan Tatha Bhatta) Adhiniyam, 1272, the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta), Adhiniyam, 1980 and the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madhya Pradesh Adhyaksha Tatha Upadhyaksha, Mantri, Neta Pratipaksha Tatha Vidhan Sabha Sadasya (Vetan Tatha Bhatta) Vidhi Sanshodhan, Adhiniyam, 1983.

PART I—AMENDMENT TO THE MADHYA PRADESH ADHYAKSHA TATHA UPADHYAKSHA (VETAN TATHA BHATTA) ADHINIYAM, 1972.)

(No. 27 of 1972)

2. *Amendment of section 6.*—In section 6 of the Madhya Pradesh Adhyaksha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972 (No. 27 of 1972)—

(a) sub-section (i) shall be renumbered as sub-section (1-a) thereof and before sub-section (1-a) as so re-numbered, the following sub-section shall be inserted, namely :—

“(1) There shall be paid to the Speaker and to the Deputy Speaker a medical allowance of five hundred rupees per mensem.”;

(b) in sub-section (1-a) as so renumbered, for the words “The Speaker and the Deputy Speaker” occurring for the first time, the words, brackets and figures “In addition to the medical allowance payable under sub-section (1), the Speaker and the Deputy Speaker” shall be substituted;

(c) after sub-section (2) the following Explanation shall be inserted, namely :—

“*Explanation.*—In this section medical attendance and treatment”

means medical attendance and treatment on admission as an indoor patient.”;

(p) for the marginal heading, the following marginal heading shall be substituted, namely :

“Medical allowance, medical attendance and treatment to Speaker and Deputy Speaker.”.

PART II—AMENDMENT TO THE MADHYA PRADESH MANTRI (VETAN TATHA BHATTA) ADHINIYAM, 1972

(No. 25 of 1972).

3. Amendment of section 7.—In section 7 of the Madhya Pradesh Mantri (Vetan Tatha Bhatta) Adhiniyam, 1972 (No 25 of 1972),—

(a) sub-section (1) shall be renumbered as sub-section (1-a) thereof and before sub-section (1-a) as so renumbered the following sub-section shall be inserted, namely :—

“(1) There shall be paid to each Minister, Minister of State, Deputy Minister and Parliamentary Secretary, a medical allowance of five hundred rupees per mensem”;

(b) in sub-section (1-a) as so renumbered, for the words “A Minister, a Minister of State, a Deputy Minister and a Parliamentary Secretary”, occurring for the first time, the words brackets and figure “In addition to the medical allowance payable under sub-section (1), a Minister of State, a Deputy Minister and a Parliamentary Secretary” shall be substituted”;

(c) after sub-section (2), the following Explanation shall be inserted, namely :—

‘Explanation.—In this section “medical attendance and treatment” means medical attendance and treatment on admission as an indoor patient.”;

(d) for the marginal heading, the following marginal heading shall be substituted, namely :—

‘Medical attendance and treatment to Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries.”.

PART III- AMENDMENT TO THE MADHYA PRADESH VIDHAN MANDAL, NETA PRATIPAKSHA (VETAN TATHA BHATTA) ADHINIYAM, 1980

(No. 8 of 1980)

4. Amendment of section 7.—Section 7 of the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980 (No. 8 of 1980) shall be renumbered as sub-section (2) thereof and—

(a) before sub-section (2) as so renumbered, the following sub-section shall be inserted, namely :—

“(1) There shall be paid to the Neta Pratipaksha a medical allowance of five hundred rupees per mensem”;

(b) in sub-section (2) as so renumbered, for words “Neta Pratipaksha” occurring for the first time, the words, brackets and figure “In addition to the medical allowance payable under sub section (1), the Neta Pratipaksha” shall be substituted ;

(c) after sub-section (2) as so renumbered, the following Explanation shall be inserted namely :—

“*Explanation.*—In this section “medical attendance and treatment” means medical attendance and treatment on admission as an indoor patient”;

“Medical allowance, Medical attendance and treatment to Neta Pratipaksha.”

PART IV—AMENDMENT TO THE MADHYA PRADESH
VIDHAN SABHA SADASYA VETAN, BHATTA TATHA
PENSION ADHINIYAM, 1972.

(No. 7 of 1973)

5. *Amendment of section 7.*—In section 7 of the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972 (No. 7 of 1973),—

(a) sub-section (1) shall be renumbered as sub-section (1-A) thereof;

(b) before sub-section (1-a) as so renumbered the following sub-section shall be inserted, namely :—

“(1) There shall be paid to every member a medical allowance of three hundred rupees per mensem.”;

(c) in sub section (1-a) as so renumbered,—

(i) for the words “Subject to any rules made in this behalf by the State Government”, the words, brackets and figures “In addition to the medical allowance payable under sub-section (1) but subject to any rules made in this behalf by the State Government” shall be substituted; and

(ii) after the proviso, the following Explanation shall be inserted, namely :—

“*Explanation.*—In this sub-section “medical treatment” means medical attendance and treatment on admission as an indoor patient.”;

(d) for the marginal heading, the following marginal heading shall be substituted, namely :—

“Medical allowance, medical attendance and treatment to members”;

(e) for the words, brackets figure and comma “Until rules are made under sub-section (1)”, occurring in sub-section (2), the following words, brackets, figures and comma “Until rules are made under sub-section (1-a), but subject to provisions of sub-section (1) and sub-section (2),” shall be substituted.

Published in the Madhya Pradesh Gazette, Extraordinary,
dated May 1, 1983.

FINANCE DEPARTMENT

No B-5-62-V-SR-83 Bhopal, the 30th April 1983.—In exercise of the powers conferred by sub-section (1) and (2) of Section 8 of the Madhya Pradesh Entertainments Duty and Advertisements Tax Act, 1936 (No. 30 of 1936), the State Government hereby makes the following further amendments in the Madhya Pradesh Entertainments Duty and Advertisements Tax Rules, 1942, the same having been previously published as required by sub-section (3) of section 8 of the said Act, namely :—

AMENDMENTS

In the said rules, in rule 16, in sub-rule (2),—

(1) for clause (a), the following clause shall be substituted, namely :—

(i) more than one lakh in a place other than the Head quarters of a revenue district ; and

(ii) more than fifty thousand at headquarters of revenue district”.

(2) clause (b) shall be omitted ;

(3) in clause (c), for the words, “the said financil year” the words, “the financial year immediately preceeding the year for which application under clause (b) of sub-section (2) of section 4 of the Act is made”, shall be substituted.

(4) after clause (viii), the following clauses shall be added, namely :—

“(ix) If entertainment duty for 12 months from the date of enforcement of this facility is found to be less than entertainment duty for 12 months preceeding the said date, the facility allowed shall stand automatically discontinued without any notice and the system of payment of entertainment duty under sub-section (1) of section 4 of the Act shall apply automatically.

(x) Every proprietor shall get cinema tickets printed and numbered and deposited in the office of the District Excise Officer. The proprietor shall be issued tickets within the period as may be prescribed by the Collector from time as required by him for 15 days on the basis of an indent submitted by him to the District Excise Officer within the period as may be prescribed by the Collector, from time to time. The District Excise Officer shall issue the tickets after getting them sealed with such scales as may be prescribed by the Assistant Excise Commissioner. The numbers of tickets issued shall be noted by the District Excise Officer and the proprietor shall have to submit full account of the tickets so issued at the time of submitting his next indent. The proprietor shall exhibit before each show a slide to the effect “Visitors are requested to verify that their tickets bear the fasimile signature seal of the District Excise Officer and in the absence of such a seal to lodge a complaint alongwith the counterfoil of the ticket and put in the complaint box”.

THE MADHYA PRADESH VISHWAVIDYALAYA (SANSHODHAN) ADHINIYAM, 1983

The following Act received the assent of the Governor on the 23rd April, 1983; and was published in the “Madhya Pradesh Gazette” (Extraordinary), dated the 4th May 1983.

MADHYA PRADESH ACT NO 23 OF 1983.

An Act further to amend the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement* :—(1) This Act may be called the **Madhya Pradesh Vishwavidyalaya (Sanshodhan) Adhiniyam, 1983.**

(2) It shall come into force on such date as the State Government may, by notification, appoint

2. Amendment of section 4.—For clause (xvii) of section 4 of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973) (hereinafter referred to as the Principal Act), the following clause shall be substituted, namely :—

“(xvii) “University” means—

(i) the University deemed to be established under this Act and specified in Part I of the Second Schedule ; and

(ii) the University which may be established after the commencement of this Act and specified in Part II of the Second Schedule.”.

3. Amendment of section 5—In section 5 of the Principal Act,—

(a) in sub-section (1), for the words “specified in the Second Schedule”, occurring twice the word “specified in Part I of the Second Schedule”, shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1-a) the Kuladhipati, the first Kulpati, and the first member to the court, of the Executive Council and of the Academic Council of each University established after the commencement of this Act and specified in Part II of the Second Schedule and all persons who may hereafter become such officers or members thereof are, so long as they continue to hold such office or membership, hereby constituted a body corporate by the name of the respective University specified in Part II of the Second Schedule.”.

4. Amendment of section 11.—After clause (ii) of section 11 of the Principal Act, the following clause shall be inserted, namely :—

“(ii-a) the Rector;”;

5. Amendment of section 13.—After the second proviso to sub-section (1) of section 13 of the Principal Act, the following proviso shall be inserted, namely :—

“Provided also that the first Kulpati of each University specified in Part II of the Second Schedule shall be appointed by the Kuladhipati after consultation with the State Government.”.

6. Amendment of section 14. In section 14 of the Principal Act,—

(a) in sub-section (6), for the words “a Dean of Faculty nominated by the Kuladhipati for the purpose” the words “the Rector and if no Rector has been appointed or if the Rector is not available, a Dean of Faculty nominated by the Kuladhipati for the purpose” shall be substituted ; and

(b) in sub-section (7), for the words “the Registrar”, the words “the Rector and, if no Rector has been appointed or if the Rector is not available, the Registrar” shall be substituted.

7. Insertion of new section 15-A and 15-B—(1) Section 15-A of the Principal Act shall be renumbered as 15-C thereof and before section 15-C as so renumbered, the following sections shall be inserted, namely :—

“15-A Powers and duties of first Kulpati—It shall be the duty of first Kulpati of each University specified in Part II of the Second Schedule to constitute court, Executive Council and other authorities of the University within a period of the University and till the said authorities are constituted, the Kulpati shall be deemed to be the Court, Executive

Council, Academic Council or such other authority, as the case may be, and shall exercise the powers and perform the duties conferred or imposed on such authorities by or under this Act :

Provided that the Kuladhipati may, if he considers it necessary or expedient so to do, appoint a committee after consultation with the State Government consisting of an Educationist an administrative expert and a financial expert to advise the Kulpati in the exercise of his powers and performance of functions in lieu of such authority.

15-B. Rector.—(1) The Kulpati may, with the previous approval of the Kuladhipati and the State Government appoint a Rector.

(2) The Rector shall be a salaried officer of the University.

(3) Subject to the provisions of this Act, the term of office, conditions of service and emoluments of the Rector shall be such as may be prescribed by statutes and till so prescribed, as may be determined by the Kuladhipati.

(4) The Rector shall perform such duties and exercise such powers of Kulpati as may be assigned to him by the Kuladhipati in consultation with the Kulpati and he shall perform such other duties and exercise such other powers as may be prescribed by Regulations."

8. Amendment of section 16.—In sub-section (2) of section 16 of the Principal Act,—

(a) for the figures and letter "15-A", the figures and letter "15-C" shall be substituted; and

(b) the following proviso shall be inserted, namely :—

"Provided that the first Registrar of each University specified in Part II of the Second Schedule shall be approved by the Kuladhipati after consultation with the State Government and shall hold office for such period not exceeding four years and on such terms and conditions as the Kuladhipati may determine."

9. Amendment of section 18-A.—In section 18-A of the Principal Act, for the figures and letter "15-A", the figures and letter "15-C" shall be substituted.

10. Amendment of section 20.—After clause (ii) of sub-section (1) of section 20 of the Principal Act, the following clause shall be inserted, namely :—

"(ii-a) the Rector."

11. Amendment of section 23.—After clause (i) of sub-section 23 of the Principal Act, the following clause shall be inserted, namely :—

"(i-a) the Rector;"

12. Amendment of section 25.—After clause (i) of sub-section (1) of section 25 of the Principal Act, the following clause shall be inserted, namely :—

"(i-3) the Rector;"

13. Amendment of section 30.—After clause (i) of sub-section (1) of section 30 of the Principal Act, the following clause shall be inserted, namely :—

"(i-a) the Rector ;"

14. Amendment of section 34.—After clause (ii) of sub-section (1) of section 34 of the Principal Act, the following clause shall be inserted, namely :—

"(ii-a) the Rector of the University specified in the Second Schedule ;"

15. *Amendment of section 35.*—After clause (c) of section 35 of the Principal Act, the following clause shall be inserted, namely :—

“(c-1) the term of office, conditions of service, and emoluments of Rector and his powers and duties ;”.

16. *Amendment of section 49.*—After clause (i) of sub-section (2) of section 49 of the Principal Act, the following clause shall be inserted, namely :—

“(1-a) the Rector ;”.

17. *Amendment of section 59.*—In the proviso to sub-section (1) of section 59 of the Principal Act, for the figures and letters “15-A” the the figures and letter “15-C” shall be substituted.

18. *Amendment of Second Schedule.*—The Second Schedule shall be renumbered as Part I thereof and,—

(a) in Part I as so renumbered in the entries relating to the Ravishankar University in column (3), after the words “Rajnandgaon”, the word “and” shall be inserted and the words “Bilaspur, Raigarh and Surguja” shall be omitted.

(b) after Part I as so renumbered, the following Part shall be inserted, namely :—

“PART II

[See section 4 (xvii)]

Name of the University	Headquarters	Territorial Jurisdiction
(1)	(2)	(3)
Guru Ghasidas Vishwavidyalaya	Bilaspur	Areas comprised within the limits of revenue districts of Bilaspur, Raigarh and Surguja.

19. *Amendment of the Third Schedule.*—In the Third Schedule to the Principal Act,—

(1) in paragraph 2,—

(a) after clause (ii) of sub-section (1) of substituted section 20, the following clause shall be inserted, namely :—

“(ii-a) the Rector ;”.

(b) after clause (i) of sub-section (1) of substituted section 23, the following clause shall be inserted, namely :—

“(i-a) the Rector ;”.

(2) in paragraph 4, after clause (i) of sub-section (1) of substituted section 25, the following clause shall be inserted, namely :—

“(1-a) the Rector ;”.

20. *Transitory Provision.*—On the commencement of this Act, the following consequences shall ensue, namely :—

(a) all Colleges within the territorial jurisdiction of the Guru Ghasidas Vishwavidyalaya which immediately prior to the commencement of this Act were admitted to the privileges of the Ravishankar University shall be deemed to be admitted to the privileges of the Guru Ghasidas Vishwavidyalaya;

(b) notwithstanding anything contained in the Principal Act or the Statutes, Ordinances and Regulations made thereunder,—

(i) any student of a college situate within the territorial limits of the Guru Ghasidas University and affiliated to the Ravishankar University ; or

(ii) any other student,—

who immediately prior to the date of coming into force of this Act was studying or was eligible, as the case may be, for any examination of the Ravishankar University shall be permitted to complete his course in preparation therefor, and the Guru Ghasidas Vishwavidyalaya shall provide for such period, not exceeding three years, and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Ravishankar University.

(c) notwithstanding anything contained in the Principal Act, the first Kulpati shall for a period of two years from the date of commencement of this Act, have the following powers, namely:—

(i) to constitute provisional authorities and bodies and on their recommendations to issue instructions of general or special nature as the circumstances may require for the conduct of the work of the University ;

(ii) subject to the control of the State Government to make such financial arrangements as may be necessary to enable the Principal Act or any part thereof to be brought into operation;

(iii) with the sanction of the Kuladhipati to make such appointment as may be necessary to enable the Principal Act or any part thereof to be brought into operation;

(iv) with the previous sanction of the Kuladhipati, to appoint committee, as he may think fit, to discharge such of his function as he may direct; and

(v) generally to exercise all or any of the powers conferred on the Executive Council by the Principal Act,

(d) any order passed by the Kulpati in exercise of the powers conferred by items (i), (iii) and (iv) of clause (c) shall cease to have effect after the expiry of the period of two years from the commencement of this Act.

(e) (i) notwithstanding anything contained in the Principal Act, but subject to provisions of this section, the Statutes, Ordinances and Regulations in force and as applicable to Ravishankar University, shall apply "mutatis mutandis" to Guru Ghasidas University.

(ii) The Kulpati of Guru Ghasidas Vishwavidyalaya for the purpose of making such changes in the Statutes, Ordinances or Regulations referred to in clause (i), as he may deem necessary or expedient, provide by order in writing that the Statutes, Ordinance or Regulations as aforesaid shall have effect subject to such modifications or adaptations, whether by way of additions, omissions or changes and from such date as the said Kulpati may specify therein.

**THE MADHYA PRADESH RAJYA BHUMI VIKASH NIGAM
(SANSHODHAN) ADHINIYAM, 1983.**

The following Act received the assent of the Governor on the 10th June 1983; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 21st June 1983.

MADHYA PRADESH ACT NO. 26 OF 1983

An Act further to amend the Madhya Pradesh Rajya Bhumi Vikash Nigam Adhiniyam, 1976.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the **Madhya Pradesh Rajya Bhumi Vikash Nigam (Sanshodhan) Adhiniyam, 1983.**

2. *Amendment of section 8.*—In sub-section (1) of section 8 of the Madhya Pradesh Rajya Bhumi Vikash Nigam Adhiniyam, 1976 (No. 2 of 1977),—

(a) for clause (ii), the following clause shall be substituted, namely:—

“(ii) Secretary to Government Madhya Pradesh, Command Area Development Department, who shall be the Vice-Chairman;”;

(b) after clause (vi), the following clause shall be inserted, namely:—

“(vi-a) Secretary to Government, Madhya Pradesh, Agriculture Department.”.

**THE MADHYA PRADESH ACCOMMODATION CONTROL
(AMENDMENT) ACT, 1983**

The following Act received the assent of the President on the 28th June 1983, and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 5th July, 1983.

MADHYA PRADESH ACT NO. 27 OF 1983

An Act further to amend the Madhya Pradesh Accommodation Control Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the **Madhya Pradesh Accommodation Control (Amendment) Act, 1983.**

(2) It shall come into force on such date as the State Government may, by notification appoint.

2. *Substitution of long title.*—For the long title of the Madhya Pradesh Accommodation Control, Act, 1961 (No. 41 of 1961) hereinafter referred to as the Principal Act, the following long title shall be substituted, namely:—

“An Act to provide for the regulation and control of letting and rent of accommodations, for expeditious trial of eviction cases on ground of “bonafide” requirement of landlords and generally to regulate and control eviction of tenants from accommodations and for other matter connected therewith or incidental thereto.”

3. *Amendment of section 1.*—In sub-section (3) of section 1 of the Principal Act, for the word “Schedule” wherever it occurs, the words “First Schedule” shall be substituted.

4. *Amendment of section 12.*—In section 12 of the Principal Act,—

- (a) in sub-section (1) clauses (e) and (f) shall be omitted ;
- (b) sub-sections (4), (5) and (6) shall be omitted.

5. *Amendment of section 13.*—In section 13 of the Principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely—

“(1) On a suit or any other proceeding being instituted by a landlord on any of the grounds referred to in section 12 or in any appeal or any other proceeding by a tenant against any decree or order for his eviction, the tenant shall, within one month of the service of writ of summons or notice of appeal or of any other proceeding, or within one month of institution of appeal or any other proceeding by the tenant, as the case may be, or within such further time as the court may on an application made to it allow in this behalf, deposit in the court or pay to the landlord, an amount calculated at the rate of rent at which it was paid, for the period for which the tenant may have made default including the period subsequent thereto upto the end of the month previous to that in which the deposit or payment is made; and shall thereafter continue to deposit or pay, month by month by the 15th of each succeeding month a sum equivalent to the rent at that rate till the decision of the suit, appeal or proceeding, as the case may be.

(2) If in any suit or proceeding referred to in sub-section (1), there is any dispute as to the amount of rent payable by the tenant, the court shall, on a plea made either by landlord or tenant in that behalf which shall be taken at the earliest opportunity during such suit or proceeding, fix a reasonable provisional rent, in relation to the accommodation, to be deposited or paid in accordance with the provisions of sub-section (1) and no court shall, save for reasons to be recorded in writing, entertain any plea on this account at any subsequent stage.”;

(b) for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) If a tenant fails to deposit or pay any amount as required by this section, the court may order the defence against eviction to be struck out and shall proceed with the hearing of the suit, appeal or proceeding, as the case may be.”

6. *Omission of section 17.*—Section 17 of the Principal Act shall be omitted.

7. *Omission of sections 20-A and 20-AA.*—Sections 20-A and 20-AA of the Principal Act shall be omitted.

8. *Insertion of new Chapter III-A.*—After section 23 of the Principal Act, the following Chapter shall be inserted, namely :—

**“CHAPTER III-A—EVICTION OF TENANTS ON GROUNDS
OF “BONA FIDE” REQUIREMENT**

23-A. *Special provision for eviction of tenant on ground of bona fide requirement.*—Notwithstanding anything contained in any other law for the time being in force or contract to the contrary, a landlord

may submit an application, signed and verified in a manner provided in rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) as if it were a plaint to the Rent Controlling Authority on one or more of the following grounds for an order directing the tenant to put the landlord in possession of the accommodation, namely :—

(a) that the accommodation let for residential purposes is required "bona fide" by the landlord for occupation as residence for himself or for any member of his family, or for any person for whose benefit, the accommodation is held and that the landlord or such person has no other reasonably suitable residential accommodation of his own in his occupation in the city or town concerned.

Explanation.—For the purposes of this clause, "accommodation let for residential purposes" includes—

(i) any accommodation which having been let for use as a residence is without the express consent of the landlord, used wholly or partly for any non-residential purpose;

(ii) any accommodation which has not been let under an express provision of contract for non-residential purpose;

(b) that the accommodation let for non-residential purposes is required "bona fide" by the landlord for the purpose of continuing or starting his business or that of any of his major sons or unmarried daughters, if he is the owner thereof or for any person for whose benefit the accommodation is held and that the landlord or such person has no other reasonably suitable non-residential accommodation of his own in his occupation in the city or town concerned :

Provided that where a person who is a landlord has acquired any accommodation or any interest therein by transfer, no application for eviction of tenant of such accommodation shall be maintainable at the instance of such person unless a period of one year has elapsed from the date of such acquisition.

23-B. Rent Controlling Authority to issue summons in relation to every application under section 23-A.—(1) The Rent Controlling Authority shall issue to the tenant summons, in relation to every application referred to in section 23-A, in the form specified in the second schedule.

(2) Save as otherwise provided in this Act, the provisions of Order V and Order XVI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) regarding issue and service of summons to a defendant and summoning and attendance of witnesses to give evidence or to produce documents shall apply "mutatis mutandis" to issue and service of any summons to a tenant or opposite party or to a witness to give evidence or to produce documents in an inquiry or proceeding under this Chapter.

23-C. Tenant not entitled to contest except under certain circumstances.—(1) The tenant on whom the summons is served in the form specified in the Second Schedule shall not contest the prayer for eviction from the accommodation unless he files within fifteen days from the date of service of the summons, an application supported by an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Rent Controlling

Authority as hereinafter provided, and in default of his appearance in pursuance of the summons or in default of his obtaining such leave, or if such leave is refused, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant. The Rent Controlling Authority shall in such a case pass an order of eviction of the tenant from the accommodation :

Provided that the Rent Controlling Authority may, for sufficient cause shown by the tenant, excuse the delay of the tenant in entering appearance or in applying for leave to defend the application for eviction and where "ex-parte" order has been passed, may set it aside.

(2) The Rent Controlling Authority shall within one month of the date of receipt of application give to the tenant, if necessary, leave to contest the application, if the application, supported by an affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the accommodation on the ground specified in section 23-A.

23-D. Procedure to be followed by Rent Controlling Authority for grant of leave to tenant to contest.—(1) Where leave is granted to the tenant to contest the application, the Rent Controlling Authority shall commence the hearing the application as early as practicable and decide the same, as far as may be, within six months of the order of granting of leave to the tenant to contest application.

(2) The Rent Controlling Authority shall, while holding an inquiry in a proceeding to which this Chapter applies, follow as far as practicable, the practice and procedure of a Court of Small Causes including the recording of evidence under the Provincial Small Cause Act, 1857 (IX of 1857). The Rent Controlling Authority shall as far as possible, proceed with the hearing of the application from day to day.

(3) In respect of an application by a landlord, who is a retired servant of any Government including a retired member of Defence Services or a retired servant of a company owned or controlled either by the Central or any State Government, or a widow or physically handicapped persons, it shall be presumed, unless the contrary is proved, that the requirement by the landlord with reference to clause (a) or clause (b), as the case may be, of section 23-A is "bona fide".

23-E. Revision by High Court.—Notwithstanding anything contained in section 31 or section 32 no appeal shall lie from any order passed by the Rent Controlling Authority under this Chapter.

(2) The High Court may, at any time "suo motu" or on the application of any person aggrieved for the purpose of satisfying itself as to the legality, propriety or correctness of any order passed by or as to the regularity of the proceedings of the Rent Controlling Authority, call for and examine the record of the case pending before or disposed of by such Authority and may pass such order in revision in reference thereto as it thinks fit and save as otherwise provided by this section, in disposal of any revision under this section, the High Court shall, as far as may be, exercise the same powers and follow the same procedure as it does for disposal of a revision under section 115 of the Code of Civil Procedure, 1908 (V of 1908) as if any such proceeding of the Rent Controlling Authority is of a Court subordinate to such High Court;

Provided that no powers of revision at the instance of person aggrieved shall be exercised unless an application is presented within

ninety days of the date of the order sought to be revised.

23-F. *Duration of stay.*—The stay of the operation of the order of eviction passed by a Rent Controlling Authority or by the High Court shall not enure for a total period of more than six months.

23-G *Recovery of possession for occupation and re-entry.*—(1) Where an order for the eviction of a tenant is made on the ground specified in clause (a) of section 23-A, the landlord shall not be entitled to obtain possession thereof before the expiration of a period of two months from the date of the order.

(2) Where an order for the eviction of a tenant is made on the grounds specified in clause (b) of section 23-A, the landlord shall not be entitled to obtain possession thereof—

(a) before the expiration of period of two months from the date of the order ; and

(b) if the accommodation is situate in cities of Gwalior (including Lashkar and Morar), Indore, Ujjain, Ratlam, Bhopal, Jabalpur, Raipur or Durg or such other towns or cities specified by the State Government by notification in that behalf, unless the landlord pays to the tenant such amount by way of compensation as may be equal to—

(i) double the amount of the annual standard rent of the accommodation in the following cases:—

(a) where the accommodation has, for a period of ten complete years immediately preceding the date on which the landlord files an application for possession thereof, been used for business purposes or for any other purposes alongwith such purpose, by the tenant who is being evicted;

(b) where during the aforesaid period of ten years, the tenant carrying on any business in the accommodation has left it and the tenant immediately succeeding has acquired the business of his predecessor either through transfer or inheritance;

(ii) the amount of the annual standard rent in other cases.

(3) Where a landlord recovers possession of any accommodation from the tenant in pursuance of an order made under clause (a) or clause (b) of section 23-A, the landlord shall not, except with the permission of the Rent Controlling Authority obtained in the prescribed manner, re-let the whole or any part of the accommodation within two years from the date of obtaining such possession, and in granting such permission, the Rent Controlling Authority may direct the landlord to put such evicted tenant in possession of the accommodation.

(4) Where a landlord recovers possession of any accommodation as aforesaid and the accommodation is not occupied by the landlord if he is the owner thereof, or by the person for whose benefit the accommodation is held, within two months of obtaining such possession, or the accommodation having been so occupied is, at any time within two years from the date of obtaining possession re-let to any person other than the evicted tenant without obtaining the permission of the Rent Controlling Authority under sub-section (3) or the possession of such accommodation is transferred to another person for reasons which do not appear to the Rent Controlling Authority to be "bona fide", the Rent Controlling Authority may, on an application made to it in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the accommodation or to pay him such compensation as the Rent Controlling Authority thinks fit.

(5) Where the landlord makes any payment to the tenant by way of compensation under sub-section (2), the evicted tenant shall not be liable to refund the same to the landlord on being put in possession of the accommodation under sub-section (3) or sub-section (4).

23-H. Deposit of rent pending proceedings for eviction or for revision.—The provisions of section 13 shall apply "mutatis mutandis" in respect of an application for recovery of possession of accommodation under section 23-A and in respect of proceeding for revision under section 23-E against final order by the Rent Controlling Authority under section 23-C or under section 23-D as they apply to a suit or proceeding instituted on any of the grounds referred to in section 12 :

Provided that no suit or proceeding for eviction of the tenant is pending before any court at any of its stages in relation to the same accommodation.

23-I. False and frivolous application etc.—A landlord making a false or frivolous application under section 23-A or a tenant seeking either permission to defend the application or adjournment on false or frivolous or vexatious grounds, may be saddled with heavy compensatory costs not exceeding six months rent of the accommodation at a time as the Rent Controlling Authority may fix."

9. Substitution of new section for Section 35.—For section 35 of the Principal Act, the following section shall be substituted, namely:—

"35. Rent Controlling Authority to exercise powers of Civil Court for execution of other order.—Save as otherwise provided in section 34, an order made by the Rent Controlling Authority or an order passed in appeal under this Chapter or in a revision under Chapter III-A shall be executable by the Rent Controlling Authority as a decree of a Civil Court and for this purpose, the Rent Controlling Authority shall have all the powers of a Civil Court."

10. Amendment of section 43.—For sub-section (4) of section 43 of the Principal Act, the following sub-section shall be substituted, namely:—

"(4) If any landlord re-lets or transfers the whole or any part of any accommodation in contravention of the provisions of sub-section (3) or sub-section (4) of section 23-G, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, which may extend to one thousand rupees or with both."

11. Insertion of Second Schedule.—Existing Schedule to the Principal Act shall be renumbered as First Schedule thereto and after the First Schedule as so renumbered, the following Schedule shall be inserted, namely:—

"SECOND SCHEDULE

(See section 23-B)

Form of summons in a case where recovery of possession of accommodation is prayed for on grounds of

"Bona fide" requirement

OFFICE OF THE RENT CONTROLLING AUTHORITY, (Place).....

To

.....

.....
 Eviction Case No.

Whereas Shri has filed an application (a copy of which is annexed) for your eviction from (here insert the particulars of the accommodation) on the grounds specified in clause (a)/clause (b) of section 23-A of the Madhya Pradesh Accommodation Control Act, 1961 (No. 41 of 1961);

You are hereby summoned to appear before the Rent Controlling Authority within fifteen days of the service for hearing and to obtain the leave of the Rent Controlling Authority to contest the application for eviction on the grounds aforesaid; in default whereof the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said accommodation. Subject as aforesaid the date for further proceeding shall be

Leave to appear and contest the application may be obtained on an application to the Rent Controlling Authority supported by an affidavit as is referred to in section 23-C. Given under my hand and seal.

This.....day of.....198..

Rent Controlling Authority."

12. *Pendings suits and proceedings in Civil Court.*—(1) Subject to sub-section (2) all suits filed by landlords for eviction of tenants on the grounds of "bona fide" requirement of accommodation for residential or non-residential purpose and pending on the date of commencement of this Act shall, unless the landlord withdraws the same in relation to to such relief, be heard, proceeded with and disposed of by the Civil Court as if this Act has not been passed.

(2) Any landlord seeking to evict the tenant exclusively on the grounds of "bona fide" requirement of accommodation under section 23-A of the Principal Act, may, if he has already proceeded against the tenant under clause (e) or clause (f) of sub-section (1) of section 19 of the Principal Act as it existed prior to the commencement of this Act, withdraw the suit in relation to said grounds with leave of court and proceed against the tenant in accordance with section 23-A of the Principal Act.

THE INDUSTRIAL DISPUTES (MADHYA PRADESH AMENDMENT) ORDINANCE, 1983.

The following Ordinance was published in the "Madaya Pradesh Gazette" (Extraordinary), dated the 5th August, 1983.

MADHYA PRADESH ORDINANCE NO. 4 OF 1983.

Promulgated by the Governor in the Thirty-fourth Year of the Republic of India.

An Ordinance further to amend the Industrial Disputes Act, 1947 in its application to the State of Madhya Pradesh.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that the circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Industrial Disputes (Madhya Pradesh Amendment) Ordinance, 1983.

(2) It shall come into force at once

2. *Central Act No. 14 of 1947 to be temporarily amended.*—During the period of operation of this Ordinance the Industrial Disputes Act, 1947 (No. 14 of 1947) (hereinafter referred to as the Principal Act) in its application to the State of Madhya Pradesh shall have effect subject to the amendments specified in sections 3 and 4.

3. *Substitution of new section for section 25-O.*—For section 25-O of the Principal Act, the following section shall be substituted, namely :—

“25-O. *Procedure for closing down an undertaking.*—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall apply for prior permission at least ninety days before the date on which the intended closure is to become effective, to the State Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen by registered post with acknowledgement due.

(2) Where a notice has been served on the State Government by an employer under sub-section (1) of section 25-FFA and the period of notice has not expired at the commencement of the Industrial Disputes (Madhya Pradesh Amendment) Ordinance, 1983 such employer shall not close down the undertaking but shall, within a period of fifteen days from such commencement, apply to the State Government for permission to close down the undertaking.

(3) Where an application for permission has been made under sub-section (1) or sub-section (2) the State Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by employer, the interest of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen

(4) Where an application has been made under sub-section (1) or sub-section (2), as the case may be, and the State Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the Government granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(6) The State Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) or sub-section (2) is made within the period specified therein, or where the permission for closure has been refused the closure of undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of the sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(9) Where an undertaking is permitted to be closed down under sub-section (3) or where permission for closure is deemed to be granted under sub-section (4), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."

4. *Amendment of section 25-R.*—In section 25-R of the Principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

"Any employer, who contravenes an order refusing to grant permission to close down an undertaking under sub-section (3) of section 25-O or a direction given under section 25-P, shall be punishable with a imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction ;"

(b) sub-section (3) shall be omitted.

BHOPAL :
Dated the 5th August 1983.

BHAGWAT DAYAL
Governor,
Madhya Pradesh

Published in the Madhya Pradesh Gazette, Extraordinary,
Dated 29th August, 1983

DEPARTEMENT

F. No. A-5-15-1983 (28)-ST-V. (*Bhopal, the 29th August 1983.*)—
In exercise of the Powers conferred by sub-section (2) of Section 1 of
the Madhya Pradesh General Sales Tax (Amendment) Ordinance,
1983 (No. 6 of 1983), the State Government hereby appoints the 1st
September 1983 as the date on which the said Ordinance shall come
into force.

**THE INDIAN FOREST (MADHYA PRADESH AMENDMENT)
ACT, 1983.**

The following Act received the assent of the President on the 8th
May, 1983; and was Published in the "Madhya Pradesh Gazette"
Extraordinary, dated the 28th May 1983.

MADHYA PRADESH ACT NO. 25 OF 1983

An Act further to amend the Indian Forest Act, 1927 in its
application to the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-
fourth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called
the Indian Forest (Madhya Pradesh Amendment) Act, 1983.

(2) It shall come into force on such date as the State Government
may, by notification, appoint.

2. *Amendment of Central Act XVI of 1927 in its application to the
State of Madhya Pradesh.*—The Indian Forest Act, 1927 (XVI of 1927)
(hereinafter referred to as the Principal Act) shall, in its application
to the State of Madhya Pradesh, be amended in the manner hereinafter
provided.

3. *Substitution of section 52.*—For section 52 of the Principal Act,
the following section shall be substituted, namely :—

"52. *Seizure of property liable to confiscation and procedure there-
for.*—When there is reason to believe a forest-offence has been committed
in respect of any forest produce, such produce, together with all tools,
boats, vehicles, chains or any other article used in committing any such
offence, may be seized by any Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place
on such property a mark indicating that the same has been so seized and
shall, as soon as may be, either produce the property seized before an
officer not below the rank of an Extra Assistant Conservator of Forests
authorised by the State Government in this behalf by notification
(hereinafter referred to as the authorised officer) or where it is, having
regard to quantity or bulk or other genuine difficulty, not practicable to
produce property seized before the authorised officer, make a report
about the seizure to the authorised officer, or where it is intended to
launch criminal proceedings against the offender immediately, make a
report of such seizure to the magistrate having jurisdiction to try the
offence on account of which the seizure has been made :

Provided that, when the forest produce with respect to which
such offence is believed to have been committed is the property of

Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) Subject to sub-section (5), where the authorised officer upon production before him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded confiscate forest produce so seized together with all tools, vehicles, boats, ropes, chains or any other article used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the Conservator of Forests of the forest circle in which the timber or forest produce, as the case may be has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer—

(a) sends an intimation in form prescribed about initiation of proceedings for confiscating of property to the magistrate having jurisdiction to try the offence on account of which the seizure has been made ;

(b) issues a notice in writing to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property ;

(c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation ; and

(d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.

(5) No order of confiscation under sub-section (3) of any tools, vehicles, boats, ropes, chains or any other article (other than timber or forest produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, vehicles, boats, ropes, chains or other articles were used without his knowledge or connivance or as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of forest offence.—

4. *Insertion of new sections 52-A, 52-B and 52-C.*—In the Principal Act, the following sections shall be inserted immediately after section 52, namely :—

“52-A. *Appeal against order of confiscation.*—(1) Any person aggrieved by an order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed, and by certified copy of order of confiscation to the Conservator of Forests (hereinafter referred to as Appellate Authority) of the forest circle in which the forest produce, has been seized.

Explanation.—The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

(2) The Appellate Authority referred to in sub-section (1), may, where no appeal has been preferred before him, "suo motu" within thirty days of date of receipt of copy of order of confiscation by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be of "suo motu" action to the officer effecting seizure and to any other person (including appellant, if any) who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation, and may send for the record of the case :

Provided that no formed notice of appeal need be issued to such amongst the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid, as may waive the notice or as may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

(3) The Appellate Authority shall send intimation in writing of lodging of appeal or about "suo motu" action, to the authorised officer.

(4) The Appellate Authority may pass such orders of "interim" nature for custody, preservation or disposal (if necessary) of the subject matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(5) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(6) On the date fixed for hearing of the appeal or "Suo motu" action, or on such date to which the hearing may be adjourned, the Appellate Authority shall peruse the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation :

Provided that before passing any final order the Appellate Authority may if it is considered necessary for proper decision of appeal or for proper decision of for proper disposal of "Suo motu" action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(8) Copy of final order or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

52-B Revision before Court of Sessions against order of Appellate Authority.—(1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned, submit a petition for revision to the Court of Sessions within the Sessions division whereof the headquarters of the Appellate Authority are situate.

Explanation.—In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded.

(2) The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the Authorised officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52-C. Bar to jurisdiction of court etc. under certain circumstances.—(1) On receipt of intimation under sub-section (4) of section 52 about initiation of proceedings for confiscation of property by the magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject matter of confiscation, has been made, no court, Tribunal or Authority (other than the authorised officer, Appellate Authority and Court of Session referred to in sections 52, 52-A and 52-B) shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under section 52, notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force.

Explanation.—Where under any law for the time being in force, two or more courts have jurisdiction to try forest offence, then receipt of intimation under sub-section (4) of section 52 by one of the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing in sub-section (1) shall effect the power saved under section 61".

5. Amendment of section 54.—In section 54 of the Principal Act, for full stop, a colon shall be substituted and thereafter, following proviso shall be added, namely :—

"Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section

(4) of section 52 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.”.

6. *Amendment of section 55*—In section 55 of the Principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) All timber or forest produce which in either case is not the property of the Government and in respect of which a forest offence has been committed, and all tools, in each case used in committing any other article, in each case used in committing any forest offence, shall subject to provisions of sections 52, 52-A, 52B and 52-C, be liable to confiscation upon conviction of the offender for such forest offence.”.

7. *Amendment of section 60*.—Section 60 of Principal Act shall be renumbered as sub-section (2) thereof of and before sub-section (2) so renumbered, the following sub-section shall be inserted, namely :—

“(1) Property ordered to be confiscated by an authorised officer under section 52, subject to result of proceedings before Appeal or upon ‘suo motu’ action, under section 52-A, later of revision before Court of Sessions under section 52-B, shall upon conclusion of proceedings in revision vest in the Government free from all encumbrances :

Provided that such vesting shall take effect—

(a) where no appeal is preferred or no ‘suo motu’ action is taken, before or Appellate Authority— on expiry of period specified for preferring appeal or for taking ‘suo motu’ action under section 52-A whichever is later ;

(b) where final orders are passed by Appellate Authority under section 52-A, but no revision is preferred under section 52-B— on expiry of period specified for submitting petition for revision under section 52-B.”.

8. *Substitution of section 74*.—For section 74 of the Principal Act, the following section shall be substituted, namely :—

“74. *Indemnity for acts done in good faith*.—No suit, prosecution or other legal proceeding shall lie against any public servant for anything done in good faith or omitted to be done likewise, under this Act or the rules or orders made thereunder.”.

THE MADHYA PRADESH SHRI MAHAKALESHWAR MANDIR ADHINIYAM, 1982

The following Act, Received the assent of President on the 16th March 1983, and was published in the “Madhya Pradesh Gazette” (Extra- ordinary), dated the 4th April, 1983

MADHYA PRADESH ACT NO. 21 OF 1983.

An Act to provide for the better maintenance, preservation, administration and Governance of Shri Mahakaleshwar Mandir at Ujjain and its endowments and for other matters ancillary thereto.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Madhya Pradesh Shri Mahakaleshwar Mandir Adhiniyam, 1982.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

(Text omitted)

**THE MADHYA PRADESH VAN UPAJ (VYAPAR VINIYAMAN)
SANSHODHAN ADHINIYAM, 1983**

The following Act received the assent of the President on the 22nd July, 1983; and was published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 9th August 1983.

MADHYA PRADESH ACT NO. 28 OF 1983

An Act further to amend the Madhya Pradesh Van-Upaj (Vyapar Viniyaman) Adhiniyam, 1969.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fourth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Sanshodhan Adhiniyam, 1983.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2.*—In section 2 of the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 (No. 9 of 1969), (hereinafter referred to as the Principal Act),

(i) in clause (d), for the word "timber", the word "kashtha" shall be substituted;

(ii) for clause (o), the following clause shall be substituted, namely :—

"(o) "Kashtha" means all wood, whether cut up, fashioned or hollowed cut for any purpose or not, standing or felled of the following species :—

Teak	Tectora grandis
Sal	Shorea robusta
Bija	Pterocarpus Marsupium
Tinsa	Ouginia dalbargoides
Shisham	Dilbergia laifolia
Dhawra	Annogelassus latifolia
Saj	Terminalia tomentosa
Mahua	Madhuca latifolia
Bhirra	Chloroxy on swietenia
Karanj	Pongamia glabra
Tendu	Diospyros meleroxylon
Lendia	Lagerstroemia parviflora
Salai	Boswellia serrata."

3. *Amendment of section 4.*—For sub-section (2) of section 4 of the Principal Act, the following sub-section shall be substituted, namely :—

“(2) A co-operative society, a Gram Panchayat or a Janpada Panchayat may be appointed as an agent under sub-section (1) for one or more units and only in the event of none of the aforesaid forthcoming for appointment as agent, an individual may be so appointed as agent.”.

**THE MADHYA PRADESH GENERAL SALES TAX
(AMENDMENT) ORDINANCE, 1983**

The following Ordinance was published in the “Madhya Pradesh Gazette (Extraordinary)”, dated the 27th August 1983.

MADHYA PRADESH ORDINANCE NO. 6 OF 1983

Promulgated by the Governor in the Thirty-fourth Year of the Republic of India.

An Ordinance further to amend the Madhya Pradesh General Sales Tax Act, 1958.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1983.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Madhya Pradesh Act No. 2 of 1959 to be temporarily amended.*—During the period of operation of this Ordinance the Madhya Pradesh General Sales Tax Act, 1958 (No. 2 of 1959) (hereinafter referred to as the Principal Act), shall have effect subject to amendment specified in section 3.

3. *Amendment of section 7-AA.*—In sub-section (1) of section 7-AA of the Principal Act,—

(a) the words, figures and letter “As from the 1st day of April, 1983” shall be omitted ; and

(b) for the words, “five”, the words “seven” shall be substituted.

4. *Amendment of section 8.*—In clause (c) of sub-section (1) of section 8 of the Principal Act for the word “five”, the word “seven” shall be substituted.

BHOPAL :

Dated, the 27th August 1983,

BHAGWAT DAYAL

Governor,

Madhya Pradesh.

Published in the Madhya Pradesh Gazette, Part 4(Ga),
dated July 22, 1983

TRANSPORT DEPARTMENT

No. 7-1-82-VIII Bhopal, the 6th June 1983.—In exercise of the powers conferred by section 23 of the Madhya Pradesh Motor Vehicles Taxation Act, 1947 (No. VI of 1947), the State Government hereby makes the following further amendment in the Madhya Pradesh Motor Vehicles Taxation Rules, 1947, namely:—

AMENDMENT

In the said rules, in rule 3-A—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) The Additional Tax payable under section 3-A of the Act shall be paid to the Taxation Authority—

(a) by the owner of stage carriage or contract carriage covered by following classes of permits within ten days after the close of the month for which the tax becomes due:—

(i) for stage carriages operating on regular permit granted under section 48 or any other provisions of the Motor Vehicles Act, 1939 (No. IV of 1939);

(ii) for contract carriages operating on regular permits granted under section 51 or any other provisions of the Motor Vehicles Act, 1939 (No. IV of 1939); or

(iii) for Stage carriages or contract carriages operating on such temporary permits which are granted only during the pendency of renewal application of regular permit under clauses (c) or (d) of sub-section (1) of section 62 of the Motor Vehicles Act, 1939 (No. IV of 1939):

Provided that in case of fleet owners, the tax under this clause shall be payable not later than the last day of the succeeding month.

(b) by the owner of stage carriage or contract carriage covered by following classes of the permits before commencing operation of the vehicle,—

(i) for Stage carriages or contract carriages operating on temporary permits under section 62 or any other provisions of the Motor Vehicles Act 1939 (No. IV of 1939) other than those temporary permits as are mentioned in item (iii) of clause (a) above;

(ii) for contract carriages operating on permits granted under sub-section (6) of section 63 of the Motor Vehicles Act, 1949 (No. IV of 1939);

(c) by the owner of stage carriage or contract carriage in either case not covered by any provisions of clause (a) or clause (b) above, before commencing operation of the vehicle.”

(2) In sub-rule (2), for the words and brackets “under clauses (a) and (c) of sub-rule (a)” the words and brackets, “under clause (a) of sub-rule (1)” shall be substituted.

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PART XII

ORISSA ACTS, ORDINANCES & NOTIFICATIONS

1983

THE ORISSA CONTINGENCY FUND AMENDMENT ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Orissa on the 1st August, 1982 was published in the Orissa Gazette, Extraordinary, No. 1144, Dated 2. 8. 1982

ORISSA ORDINANCE NO. 4 OF 1982

An Ordinance to amend the Orissa Contingency Fund Act, 1967.

Whereas, the Legislature of the State of Orissa is not in session;

And whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Contingency Fund Act, 18 of 1967, in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-third Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Orissa Contingency Fund (Amendment) Ordinance, 1982.**

(2) It shall come into force at once.

2. *Orissa Act 18 of 1967 to be temporarily amended*—During the period of operation of this Ordinance, the Orissa Contingency Fund Act, 18 of 1967 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2, Orissa Act 18 of 1967*—In section 2 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that during the period of operation of the Orissa Contingency Fund (Amendment) Ordinance, 1982 this sub section shall have effect subject to the modification that for the words “twenty crores of rupees”, the words “sixty crores of rupees” shall be substituted.

THE ORISSA PANCHAYAT SMITI (CESSATION OF OFFICE OF THE CHAIRMAN OF SAHARAPADA PANCHAYAT SAMITI) ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Orissa on the 8th August, 1982 was published in the Orissa Gazette, Extraordinary, No. 1203, dated August 13, 1982.

ORISSA ORDINANCE NO. 5 OF 1982

An Ordinance to provide for the cessation of Office of the chariman of Saharapada Panchayat Samiti and for matters incidental thereto.

Whereas the Legislature of the State of Orissa is not in session;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for cessation office of the Chairman of Saharapada Panchayat Samiti;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-third year of the Republic of India :—

1. (1) The Ordinance may be called the **Orissa Panchayat Samiti (Cessation of office of the Chairman of Saharapada Panchayat Samiti) Ordinance, 1982.**

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,—

(a) “appointed date” means the date appointed by the Government by notification, for the purpose of this Ordinance;

(b) “Panchayat Samiti Act” means the Orissa Panchayat Samiti Act, 1959 (Orissa Act, 7 of 1960).

(c) words and expression used in this Ordinance, but not defined herein, shall have the same meaning as assigned to them respectively under the Panchayat Samiti Act.

3. *Cessation office of Chairman* —(1) Notwithstanding anything contained in the Panchayat Samiti Act, the Chairman of Saharapada Panchayat Samiti holding Office as such with effect from the 20th day of May, 1977, shall cease to hold Office with effect from the appointed date.

(2) The powers and functions of the Chairman who ceases to hold Office under sub-section (1), shall be exercised by the sub-divisional Officer having jurisdiction over the concerned block until the newly elected Chairman assumes Office.

RANGANATH MISRA

Governor of Orissa

Dated the 8th Augst, 1982

**SHRI JAGANNATH SANSKRIT VISHVIDYALAYA
(AMENDMENT) ORDINANCE, 1982**

The following Ordinance promulgated by the Governor of Orissa on the 22nd August, 1982 was published in the Orissa Gazette, Extraordinary, No. 1236, dated August 22, 1982.

ORISSA ORDINANCE NO. 6 OF 1982

An Ordinance to amend Shri Jagannath Sanskrit Vishvavidyalaya Act, 1981.

Whereas the Legislature of the State of Orissa is not in session :

And, whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend Shri Jagannath Vishvavidyalaya Act, 1981 in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is

pleased to make and promulgate the following Ordinance in the Thirty-third Year of the Republic of India :—

1. *Short title and commencement*.—(1) This Ordinance may be called the **Shri Jagannath Vishvavidyalaya (Amendment) Ordinance, 1982**

(2) It shall come into force at once.

2. *Amendment of section 6*.—In section 6 of Shri Jagannath Sanskrit Vishvavidyalaya Act 31 of 1931, in the proviso to sub-section (9), for the words “not exceeding four months, he may fix”, the words “as he may, from time to time, fix, so, however, that the total period shall not exceed eight months,” shall be substituted

THE ORISSA APPROPRIATION (NO. 3) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 1st October, 1982 was published in the Orissa Gazette (Extraordinary), No 1437, dated October 1, 1982.

ORISSA ACT NO. 16 OF 1982

An Act to Authorise payment and appropriation of Certain further sums from and out of the Consolidated fund of the State of Orissa for the Services of the Financial year, 1982-83

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the **Orissa Appropriation (No 3) Act, 1982**

(Text omitted.)

THE ORISSA PANCHAYAT SAMITI (RE-ELECTION OF OFFICE-BEARERS) AMENDMENT ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Orissa on the 27th August, 1982 was published in the Orissa Gazette, Extraordinary, No. 1258, dated August 27, 1982.

ORISSA ORDINANCE NO. 7 OF 1982

An Ordinance to amend the Orissa Panchayat Samiti (Re-Election of Office-Bearers) Act, 1977

Whereas the Legislature of the State of Orissa is not in session;

And whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Panchayat Samiti (Re-election of Office-bearers) Act, 1977, in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in thirty-third Year of the Republic of India :—

1. *Short title and commencement*.—(1) This Ordinance may be called the **Orissa Panchayat Samiti (Re-election of Office-bearers) Amendment Ordinance, 1982**.

(2) It shall come into force and once.

2. *Amendment of section 3.*—In section 3 of the Orissa Panchayat Samiti (Re-election of Office-bearers) Act, 1977, (Orissa Act 9 of 1977) in the proviso to sub-section (2), for the words “five year” the words “six year” shall be substituted.

RANGANATH MISRA

Dated the 27th August, 1982.

Governor of Orissa

**THE BERHAMPUR UNIVERSITY (AMENDMENT)
ORDINANCE, 1982**

The following Ordinance promulgated by the Governor of Orissa on the 9th September, 1982 was published in the Orissa Gazette, Extraordinary, No. 1311, dated September 10, 1982.

ORISSA ORDINANCE NO. 9 OF 1982

An Ordinance to amend the Berhampur University Act, 1966.

Whereas, the Legislature of the State of Orissa is not in session;

And whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Berhampur University Act, 1966 in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-third Year of the Republic of India :—

1. *Short title and commencement.*—(1) This ordinance may be called the **Berhampur University (Amendment) Ordinance, 1982**.

(2) It shall come into force at once.

2. *Amendment of section 6.*—In section 6 of the Berhampur University Act, 1966 (Orissa Act 21 of 1966), in the proviso to sub-section (8), for the words “not exceeding four months, as he may fix”, the words “as he may, from time to time, fix so, however, that the total period shall not exceed eight months” shall be substituted.

C. M. POONACHA

Dated the 9th September, 1982

Governor of Orissa

Published in the Orissa Gazette, Extraordinary, No. 1241, dated August 24, 1982.

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S. R. O. No. 544/82. (*The 19th August 1982*).—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940 was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), in the extraordinary issue No. 768 of the Orissa Gazette, dated the 31st May 1982, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department, No. 3896-T, dated the 26th May 1982, as S. R. O. No. 328/82, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification;

And whereas no objection or suggestion has been received by the State Government;

Now, therefore, in exercise of the powers conferred by section 68 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1. (1) These rules may be called the **Orissa Motor Vehicles (Fourth Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Motor Vehicle Rules, 1940, in sub-rule (f) of rule 148, for clause (ii), the following clause shall be substituted, namely :—

“(ii) Orissa Road Transport Company—Phiroza blue or Oxford blue or Riviera blue with royal ivory for streamlinings design and roof”.

Published in the Orissa Gazette, Extraordinary, No 1210, dated August 15, 1982

REVENUE DEPARTMENT

S. R. O. No. 528/82 (*The 16th August 1982*)—Whereas the draft of certain rules further to amend the Orissa Land Reforms (General) Rules, 1965 was published as required by sub-section (1) of section 75 of the Orissa Land Reforms Act 1960 (Orissa Act 16 of 1960), in the extraordinary issue of the Orissa Gazette, No 1164, dated the 5th August 1982, under the notification of of the Government of Orissa in the Revenue Department No. 50821—Re- 48/82—Pt. R. of the even date as S. R. O. No. 475/82 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of ten days from the date of publication of the said notification in the Official Gazette;

And whereas no objection or suggestion has been received in respect of the said draft by the State Government;

Now, therefore, in exercise of the powers conferred by section 75 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Land Reforms (General) Rules, 1965 namely :—

1. (1) The rules may be called the **Orissa Land Reforms (General) (Amendment) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Land Reforms (General) Rules, 1965, in rule 42B,—

(a) for clause (ii), the following clause shall be substituted, namely :—

“(ii) the Collector of the District or an officer specially appointed by Government who is suitable for appointment as Collector of a district if the order was passed by an appellate authority under the Act of the rank of an Additional District Magistrate ;”

(b) after the existing proviso, the following new proviso shall be inserted, namely :—

“Provided further that any application for revision under sub-section (1) of section 59 pending with the Collector on the date of commencement of the Orissa Land Reforms (General) (Amendment) Rules, 1982, shall be heard and disposed of by the officer appointed by Government under clause (ii).”

THE ORISSA PREVENTION OF LAND ENCROACHMENT (AMENDMENT) ACT, 1981

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 28th June, 1982 was published in the Orissa Gazette, Extraordinary No. 1054, dated July 16, 1982.

ORISSA ACT NO. 13 OF 1982

An Act to amend the Orissa Prevention of land Encroachment Act, 1972.

Be it enacted by the Legislature of the State of Orissa in the thirty-third year of the Republic of India, as follows :—

1 *Short title.*—This Act may be called the **Orissa Prevention of Land Encroachment (Amendment) Act, 1982.**

2. *Insertion of new section 6-A.*—After section 6 of the Orissa Prevention of Land Encroachment Act, 1972, (Orissa Act 6 of 1972.) (hereinafter referred to as the Principal Act), the following new section shall be inserted, namely :—

“6.A. *Reduction and remission of assessment and penalty.*—Subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by way of assessment under section 4 or the penalty, any, imposed under section 6.”

3. *Amendment of section 7.*—In Section 7 of the Principal Act, in sub-section (2),—

(a) after the words “one standard acre”, the word “and shall not include more than one-fifth of an acre of land which is being utilised or can be utilised for purposes of home-stead” shall be added ;

(b) for the second proviso, the following provisos shall be substituted, namely :—

“Provided further that where the land in the unauthorised occupation of a person is situated within a Municipality or a Notified Area constituted under the Orissa Municipal Act, 1959,—

(a) the settlement of land with such person shall be made by the Subdivisional Officer on a reference made to him in that behalf by the Tahasildar ;

(b) not more than one-twentieth of an acre shall be settled and that such settlement shall be made only where,—

(i) neither the person nor any member of his family living with him in common mess owns a house or house-site any where in the State ; or

(ii) the land being adjacent to the holding owned by the person, is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person and is not reserved for the purposes of any Government or for any developmental purpose ; and

(c) the settlement shall not take effect until—

(i) the order for settlement made by the Subdivisional Officer is confirmed by the collector of the district ; and

(ii) the person in favour of whom the settlement is made, makes payment of the market value of the land assessed by Subdivisional Officer in the manner prescribed by rules made under this Act :

Provided also that on failure of payment of the market value within the time fixed by the Subdivisional Officer, the person in unauthorised occupation of the land shall be liable to be summarily evicted from the land in accordance with the provisions of this Act ”.

4. *Amendment of section 8.*—In section 8 of the Principal Act,—

(a) the words “during the pendency of any proceeding under this Act”, shall be deleted ;

(b) the following words shall be added at the end, namely :—

“and may also issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for imprisonment in the Civil Jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction ”.

5. *Insertion of new section 8-A.*—After section 8 of the principal Act, the following new section shall be inserted, namely :—

“8-A. *Settlement of land in cases of encroachment for more than thirty years.*—(1) Where in the course of any proceeding instituted under section 4, 6, 7 or 8 against any person unauthorisedly occupying any land it is proved by such person that he has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding, the Tahasildar shall refer the case to the Subdivisional Officer.

(2) On receipt of a reference under sub-section (1), the Subdivisional Officer shall give the Department of the State Government (other than the Revenue Department) to which the land belongs an opportunity to show cause against the settlement of the land and may make such further enquiry as he deems necessary.

(3) If after making such enquiry the Subdivisional Officer is satisfied that such person has been in such occupation of the land as aforesaid, he may, by order, settle the land with him and every such settlement shall be subject to such conditions regarding assessment and payment of rent (including arrears of rent) as may be prescribed by rules made under this Act.”

6. *Amendment of section 9*—In section 9 of the Principal Act, before the word and figure “section 6” wherever they occur, the word, figure and comma “section 4”, shall be inserted.

7. *Amendment of section 10.*—In section 10 of the Principal Act, in sub-section (1), after clause (b), the following clauses shall be inserted, namely :—

(b-1) prescribing the manner of assessment of market value of land under section 7;

“(b-2) prescribing the conditions regarding assessment and payment of rent under section 8-A”.

8. *Amendment of section 12.*—In section 12 of the Principal Act,—

(a) in sub-section (2), the words, letter and figures “or under section 7 or section 8-A” shall be added at the end;

(b) in sub-section (3), for the words “Board of Revenue”, the words “Revenue Divisional Commissioner having jurisdiction” shall be substituted ;

(c) in sub-section (4), for the words “Board of Revenue” the words “Revenue Divisional Commissioner” shall be substituted.

9. *Amendment of section 13.*—Sub-section (1) of section 13 of the Principal Act, shall be omitted.

10. *Amendment of Schedule I.*—For Schedule I of the Principal Act, the following Schedule shall be substituted, namely :—

“SCHEDULE I

Section 7 (6) and 8

Form of warrant to be issued by the Tahasildar under section 7 or 8.

| S E A L |

To

The Officer-in-charge of the Civil Jail at.....whereas A, B of has resisted/obstructed C, D in removing E, F (or himself, that is, the said A, B) from certain land in the village of..... in the.....mouza has failed to comply with the order issued under section 8 of the Orissa Prevention of Land Encroachment Act, 1972 ;

And whereas, it is necessary in order to prevent the continuance of such resistance/obstruction/in order to enforce compliance of the said order, to commit the said A, B to close custody ;

You are hereby required under the provisions of the section 7/section 8 of the said Act to receive the said A, B into the Jail under your charge and there to keep him in safe custody for..... days.

Dated this.....days of.....(Signature of Tahsildar).

Published in the Orissa Gazette, Extraordinary, No. 1693,
dated November 24, 1982.

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S. R. O. No. 812/82. *The 20th November 1982.*—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940 was published as required by sub-section (1) of section 130 of the Motor Vehicles Act, 1939 (4 of 1939), in the extraordinary issue of the Orissa Gazette, No. 1075, dated the 20th July 1982, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 1214-T., dated the 15th July 1982, as S. R. O. No. 428/82, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification;

And whereas no objection or suggestion has been received by the State Government;

Now, therefore, in exercise of the powers conferred by section 41 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1. These rules may be called the Orissa Motor Vehicle (Fifth Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In rule 48 of the Orissa Motor Vehicles Rules, 1940, for the word, brackets and letter “sub-clause (h)” the words, brackets and letters “sub-clauses (b) and (hh)” shall be substituted.

Published in the Orissa Gazette, Extraordinary, No. 1721,
Dated December 2, 1982

REVENUE DEPARTMENT

S. R. O. No. 718/82. *The 11th October 1982.*—Whereas certain draft rules further to amend the Orissa Cess Rules, 1963 were published as required by sub-section (1) of section 21 of the Orissa Cess Act, 1962, in the extra-ordinary issue of the Orissa Gazette No. 1084, dated the 29th August 1981, in the notification of the Government of Orissa in Revenue Department No. 43659—IVC-19/80-R., dated the 18th August 1981 as S.O.R. No. 619/81 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of fifteen days from the date of publication of this notification in the official gazette ;

And whereas objections and suggestions have not been received.

Now, therefore, in exercise of powers conferred by section 21 of the Orissa Cess Act, 1962 (Orissa Act 11 of 1962), the State Government do hereby make the following rules to amend the Orissa Cess Rules 1963, namely :—

Amendment

1. (1) - These rules may be called the Orissa Cess (Amendment) Rules, 1981.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Orissa Cess Rules 1963, in rule 6-A, in sub-rule (1) clause (i) shall be deleted.

Published in the Orissa Gazette, Extraordinary, No. 1459,

dated October 5, 1982.

HOME DEPARTMENT

No. 3424 C. *The 5th October 1982* In pursuance of section 5 of the National Security Act, 1980 (65 of 1980), the Government of Orissa do hereby make the following amendments to the Orissa Security Prisoners (conditions of detention) Order, namely:—

Amendments

I. In clause 4 of the said Order, the words "As far as possible" appearing in the second sentence shall be deleted and in the same sentence, after the words "from other prisoners" the word "and convicts" shall be inserted.

II. In sub-clause (i) of clause 5 of the said Order, the following sentence shall be added at the end, namely:—

"Whenever any security Prisoner is transferred from one jail to another in the State of Orissa or from any jail in the State of Orissa to another State the Superintendent of the Jail where the security Prisoner was lodged prior to his transfer shall inform the members of the household of security prisoner about the transfer of the security prisoner and about the place or places to which such security prisoner has been transferred."

III. In clause 5 of the said Order, after sub-clause (ii) the following sub-clause shall be added, namely:—

"(iii) A security prisoner shall normally be detained in a Jail within the district where he ordinarily resides. Where a security prisoner has been detained under orders of the District Magistrate of a district of which the security prisoner is not ordinarily a resident, the authority ordering the detention of the security prisoner shall move the State Government as soon as possible for the transfer of the security prisoner to the district, where the security prisoner ordinarily resides.

Provided that a security prisoner may not be kept in a Jail within the district where he ordinarily resides, for reasons of security or on account of nonavailability of requisite facility for a security prisoner or for other equally cogent reason, the State Government consider it inadvisable to keep a security prisoner in any Jail within the district where he ordinarily resides."

IV. In sub-clause (iii) of clause 19 of the said Order for the word, "a week" the words "in five days" shall be substituted.

THE ORISSA HIGHER SECONDARY EDUCATION

ORDINANCE, 1982

The following Ordinance promulgated by the Governor of Orissa on the 29th August, 1982 was published in the Orissa Gazette, Extraordinary, No. 1270, dated August 30, 1982.

ORISSA ORDINANCE NO. 8 OF 1982

An Ordinance to provide for the Establishment of a Council to Regulate, Control and Develop Higher Secondary Education in the State of Orissa.

Enacted at Bhubaneswar on the 29th day of August, 1982.

Whereas, the Legislature of the State of Orissa is not in session ;
And Whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the establishment of a Council to regulate, control and develop Higher Secondary Education in the State of Orissa in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-third year of the Republic of India, as follows :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Orissa Higher Secondary Education Ordinance, 1982.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. *Definition.*—In this Ordinance, unless the context otherwise requires,—

(a) "Academic Year" means the year commencing on the first day of June ;

(b) "affiliated institution" means any institution affiliated to the Council whether in whole or in part ;

(c) "college" means a college affiliated to any University ;

(d) "Committee" means a Committee of the Council ;

(e) "Council" means the Council of Higher Secondary Education constituted under section 3 ;

(f) "examination" means an examination conducted by the Council ;

(g) "Government" means the Government of the State of Orissa ;

(h) "Headmaster" means the head of the teaching staff of a Higher Secondary School by whatever name he may be designated ;

(i) "Higher Secondary Course" means a course immediately following the High School Certificate course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Arts, Science, Commerce and Vocational Courses ;

(j) "Higher Secondary Education" means such general and Vocational education forming in itself a complete purposive whole which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act, 1952 (Orissa Act 10 of 1952), and immediately precedes a stage of education controlled by any university ;

(k) "Higher Secondary School" means an Educational institution preparing candidates for the examination of the Council and recognised as such by the Council, but does not include for the purpose of this Ordinance and the Regulations made thereunder that part of the institution which prepares candidates for examinations other than Higher Secondary Examination ;

(l) "Junior College" means any educational institution established or maintained by Government or by any Association of individuals and

recognised by the Council as providing courses of study qualifying students for admission to the Higher Secondary Examination in accordance with the Regulations and includes a College or part of a College which prepares candidates for such examination ;

(m) "prescribed" means prescribed by the regulations made under this Ordinance ;

(n) "Principal" means the head of the teaching staff of a college by whatever name he may be designated ;

(o) "registered teacher" means a teacher who is registered in pursuance of the regulations made in that behalf ;

(p) "recognition" means recognition for the purposes of admission to the privileges of the Council including its examinations and "recognise" with its grammatical variations shall be construed accordingly ;

(q) "regulations" means the regulations made under this Ordinance ;

(r) "text-book" means any book prescribed or recommended for the examination in accordance with the regulations ;

(s) "University" means the Utkal University, Berhampur University, Sambalpur University, Orissa University of Agriculture and Technology, Shri Jagannath Sanskrita Vishva Vidyalaya and such other University as may be established by law.

3. *Constitution of the Council.*—(1) Government shall constitute a Council called the Council of Higher Secondary Education.

(2) The Council shall be a body corporate with perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Ordinance, to transfer any property held by it and to contract and do all other things necessary for the purpose of its constitution and may sue or be sued in its corporate name.

(3) The Council shall consist of the following members, namely:—

(a) Ex Officio Members—

- (i) Chairman,
- (ii) Vice-Chairman (if appointed),
- (iii) Director of Public Instruction (Higher Education), Orissa,
- (iv) Director of Public Instruction (Schools), Orissa,
- (v) President, Board of Secondary Education, Orissa,
- (vi) Director of Technical Education and Training, Orissa,
- (vii) Principal, Regional College of Education, Bhubaneswar,
- (viii) Director, State Council of Educational Research and Training, Orissa,

(ix) Principal, College of Physical Education, Cuttack,

(x) Director, National Cadet Corps or his nominee.

(b) Members to be nominated by Government—

(i) a representative of the Education & Youth Services Department not below the rank of a Deputy Secretary,

(ii) a representative of the Finance Department not below the rank of a Deputy Secretary,

(iii) ten Principals of Colleges including Junior Colleges, if any,

(iv) Five Headmasters of Higher Secondary Schools, to the extent available,

(v) ten registered teachers of recognised Colleges including Junior Colleges,

(vi) five registered teachers of Higher Secondary Schools to the extent available,

(vii) three Circle Inspectors of Schools,

(viii) not more than ten specialists in vocational subjects prescribed for the Higher Secondary Course.

(c) *Elected Members*—

(i) three members of the Orissa Legislative Assembly to be elected from among themselves,

(ii) one representative from each of the Universities in the State to be elected by the members of the respective Academic Councils from among themselves,

(iii) one representative of the Board of Secondary Education to be elected by the members of the Board

(4) The Council may co-opt persons not exceeding five, as extraordinary members for any special purpose.

(5) Notwithstanding anything contained in this Ordinance, for the purpose of constituting the Council for the first time, the members specified in clause (c) of sub-section (3) shall be nominated by the Government, so far as may be, from among persons belonging to the categories specified in items (i) to (iii) of that clause and the members so nominated shall hold office for a period of two years.

[Note :—Text of the rest of the Ordinance is omitted as it is repealed by Orissa Act 19 of 1982, which is printed at page 19—Editor.]

Published in the Orissa Gazette, Extraordinary No. 1744,
dated December 9, 1982.

FOREST, FISHERIES & A. H. DEPARTMENT

S R O. No 852/82. *The 9th December 1982.*—In exercise of the powers conferred sub-section (3) of Section 1 of the Orissa Forest Produce (Control of Trade) Act, 1981 (Orissa Act 22 of 1981), the State Government do hereby direct that the Act shall come into force at once in the whole of the State of Orissa in relation to sal seeds.

THE ORISSA MEDICAL REGISTRATION (AMENDMENT) ACT, 1982.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 14th September, 1982 was published in the Orissa Gazette, Extraordinary No. 1350, dated September 21, 1982.

ORISSA ACT NO. 15 OF 1982

An Act to amend the Orissa Medical Registration Act, 1961.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of Republic of India, as follows:—

1. *Short title.*—This Act may be called the Orissa Medical Registration (Amendment) Act, 1982.

2. *Insertion of new section 4-A.*—After section 4 of the Orissa Registration Act, 1961 (Orissa Act 18 of 1981) (hereinafter referred to as the principal Act), the following new section shall be inserted, namely :—

"4-A. Steps for reconstitution of Council to be taken in advance,—
The Council shall take all steps for the election and nomination of members for the constitution of the succeeding Council sufficiently in advance so that the members of such succeeding Council can assume office immediately after expiration of the term of office of the members of the Council earlier mentioned.

Provided that where the election and nomination of members of the succeeding Council cannot be completed before the expiration of the term as aforesaid, the powers and functions of the Council and its President shall be exercised and performed during the period intervening between the date of such expiration and the date of first meeting of the succeeding Council by such officer as may be authorised by the State Government in that behalf."

3. Amendment of Section 7.—In section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The term of office of a member elected or nominated under sub-section (1) of section 4 or nominated under section 8 shall commence from the date of publication of his name under section 9 and shall, subject to the provisions of sections 10 and 11, extend to a period of five years."

THE ORISSA ENTERTAINMENTS TAX (SECOND AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 7th October, 1982 was published in the Orissa Gazette, Extraordinary, No. 1483 dated October 8, 1982.

ORISSA ACT NO. 17 OF 1982

An Act to amend the Orissa Entertainments Tax Act, 1946.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. Short title, and commencement.—(1) This Act may be called the **Orissa Entertainments Tax (Second Amendment) Act, 1982.**

(2) It shall come into force on such date as the State Government may by notification appoint.

2. Amendment of section 4-A.—In section 4-A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) In the case of all cinematograph exhibitions, except those exempted under section 8 from payment of tax, there shall be levied and paid to the State Government a tax in respect of every show by the proprietor of the cinema house at the rate specified below :—

1. Shows held in any local area under a Municipal Council or a Notified Area Council, constituted under the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950), having a population of fifty thousand or more—

(a) where the seating capacity of the One hundred rupees, cinema house does not exceed eight hundred.

(b) where the seating capacity of the cinema house exceeds eight hundred. One hundred rupees plus two rupees for every additional one hundred seats or part thereof ;

2. Shows held in other places—

(a) where the seating capacity of the cinema house does not exceed four hundred; fifty rupees

(b) where the seating capacity of the cinema house exceeds four hundred. fifty rupees plus one rupee for every additional one hundred seats or part thereof."

3. *Insertion of new section 4-B.*—After section 4-A of the principal Act, the following new section shall be inserted, namely :—

"4-B. *Tax on exhibition of advertisements.*—(1) In the case of every exhibition of advertisement in a cinema house through slide, film or trailer, unless exempted under sub-section (2), there shall be levied and paid to the State Government a tax in respect of every such exhibition by the proprietor of the cinema house at the rate specified below ;—

1 Slides—

(a) exhibition in any local area under a Municipal Council, or Notified Area Council, constituted under the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950), having a population of fifty thousand or more, fifty paise per slide per exhibition subject to a maximum of one rupee for a day or twenty-five rupees for a month,

(b) in other places twenty-five paise per slide per exhibition subject to a maximum of fifty paise for a day or twelve rupees and fifty paise for a month,

2 Films and trailers one rupee and fifty paise per film or trailer per exhibition subject to a maximum of four rupees for a day or one hundred rupees for a month

(2) Where the State Government are satisfied that any exhibition of advertisement in a cinema house through slide, film or trailer is of a public interest, which the State Government may, by notification, from time to time, determine, they may exempt it from payment of the tax under sub-section (1)."

THE ORISSA PANCHAYAT SAMITI (RE-ELECTION OF OFFICE
BEARERS) AMENDMENT ACT, 1982

The following Act of the Orissa Legislative Assembly having been assent to by the Governor on the 15th October, 1982 was published in the Orissa Gazette, Extraordinary No. 1547 dated October 21, 1982.

ORISSA ACT NO 18 OF 1982

An act to amend the Orissa Panchayat Samiti (Re-election of office Bearers) Act, 1977.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Orissa Panchayat Samiti (Re-election of Office Bearers) Amendment Act, 1982.**

(2) It shall come into force at once.

2. *Amendment of section 3.*—In section 3 of the Orissa Panchayat Samiti (Re-election of Office Bearers Act, 1977 (Orissa Act 9 of 1977.), (hereinafter referred to as the principal Act), in the proviso to sub-section (2), for the words “five years” the words “six years” shall be substituted.

3. *Repeal and savings.*—(1) The Orissa Panchayat Samiti (Re-election of Office Bearers) Amendment Ordinance, 1982 (Orissa Ordinance No. 7 of 1982.), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE ORISSA UNIVERSITY LAWS (AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 22nd October, 1982 was published in the Orissa Gazette, Extraordinary No. 1569, dated October 23, 1982.

ORISSA ACT NO. 20 OF 1982

An Act to amend the Utkal University Act, 1966, the Berhampur University Act, 1966 and the Sambalpur University Act, 1966

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Orissa University Laws (Amendment) Act, 1982.**

(2) It shall be deemed to have come into force with effect from the 17th day of June, 1982.

2. *Amendment of Orissa Acts 20 of 1966, 21 of 1966 and 22 of 1966.*—In section 20 of the Utkal University Act, 1966, (Orissa Act, 20 of 1966.) the Berhampur University Act, 1966 (Orissa Act, 21 of 1966.) and the Sambalpur University Act, 1966 (Orissa Act, 22 of 1966) (hereinafter referred to as the principal Acts) in sub-section (2), for the existing proviso the following proviso shall be substituted, namely :—

“Provided that where the Committee fails to make any specific recommendation or where the Syndicate differs from the recommendation made by the Committee, the matter shall be referred by Syndicate to the Chancellor whose decision thereon shall be final.”

3. *Repeal and Savings.*—(1) The Orissa University Laws (Amendment) Ordinance, 1982 (Orissa Ordinance 3 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Acts as amended by the said Ordinance shall be deemed to have been done or taken under the said Acts as amended by this Act.

THE ORISSA PANCHAYAT SAMITI (CESSATION OF OFFICE OF THE CHAIRMAN OF SAHARAPADA PANCHAYAT SAMITI) ACT, 1982.

The following Act of the Orissa Legislative Assembly having been assented to by Governor on the 26th October, 1982 was published in the Orissa Gazette, Extraordinary No. 1570, dated October 26, 1982.

ORISSA ACT NO. 21 OF 1982

An Act to provide for the Cessation of office of the Chairman of Saharapada Panchayat Samiti and for matters incidental thereto

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Panchayat Samiti (Cessation of office of the Chairman of Saharapada Panchayat Samiti) Act, 1982.

(2) It shall be deemed to have come into force with effect from the 13th day of August, 1982.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed date” means the date appointed by the Government by notification, for the purposes of this Act ;

(b) “panchayat Samiti Act” means the Orissa Panchayat Samiti Act, 1959 (Orissa Act 7 of 1960) ;

(c) words and expressions used in this Act, but not defined herein, shall have the same meaning as assigned to them respectively under the Panchayat Samiti Act.

3. *Cessation of Chairman.*—(1) Notwithstanding anything contained in the Panchayat Samiti Act, the Chairman of Saharapada Panchayat Samiti holding office as such with effect from the 20th day of May, 1977, shall cease to hold office with effect from the appointed date.

(2) The powers and functions of the Chairman who ceases to hold office under sub-section (1) shall be exercised by the Subdivisional Officer having jurisdiction over the concerned block until the newly elected Chairman assumes office.

4. *Repeal and savings.*—(1) The Orissa Panchayat Samiti (Cessation of office of the Chairman of Saharapada Panchayat Samiti) Ordinance, 1982 (Orissa Ordinance No. 5 of 1982.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the said Ordinance shall be deemed to have been done, taken or issued under this Act.

SHRI JAGANNATH SANSKRIT VISHVAVIDYALAYA (AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 9th November, 1982 was published in the Orissa Gazette, Extraordinary No. 1638, dated November 12, 1982.

ORISSA ACT NO. 22 OF 1982

An Act to amend Shri Jagannath Sanskrit Vishvaavidyalaya (Amendment) Act, 1982.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called **Shri Jagannath Sanskrit Vishvavidyalaya (Amendment) Act, 1982.**

2. *Amendment of section 6*—(1) In section 6 of Shri Jagannath Sanskrit Vishvavidyalaya Act, 1981 (Orissa Act 31 of 1981.), (hereinafter referred to as the principal Act), for sub-section (18), the following sub-section shall be substituted, namely :—

“(18) Notwithstanding anything contained in the foregoing sub-sections, during the period of four years from the date of coming into force of this Act, the office of Kulapati shall be held by such person as the Kuladhipati may, from time to time, deem fit to appoint, and any person so appointed shall hold office for such period and subject to terms and conditions as the Kuladhipati may fix in that behalf.”.

(2) Notwithstanding anything contained in section 6 of the principal Act, the person holding the office of Kulapati on the date of coming into force of this Act shall be deemed to have been appointed under sub-section (18) of the said section as amended by this Act.

THE ORISSA DEVELOPMENT AUTHORITIES (AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 24th November, 1982 was published in the Orissa Gazette, Extraordinary No. 1705, dated November 27, 1982.

ORISSA ACT NO. 23 OF 1982

An Act to amend the Orissa Development Authorities Act, 1982.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the **Orissa Development Authorities (Amendment) Act, 1982.**

2. *Amendment of section 85.*—In section 85 of the Orissa Development Authorities Act, 1982 (Orissa Act 14 of 1982.), for the first proviso to sub-section (2), the following proviso shall be substituted, namely :—

“Provided that no such rate shall exceed fifty thousand rupees per hectare in the case of development of land, and fifteen rupees per square metre in the case of development of a building.”.

THE ORISSA UNIVERSITY LAWS (SECOND AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 28th November, 1982 was published in the Orissa Gazette, Extraordinary No. 1727, dated December 4, 1982.

ORISSA ACT NO. 25 OF 1982

An Act to amend the Utkal University Act, 1966, the Berhampur University Act, 1966 and the Sambalpur University Act, 1966.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the **Orissa University Laws (Second Amendment) Act, 1982.**

2. *Amendment of section 9.*—The following amendments shall be made in the Utkal University Act, 1966 (Orissa Act 20 of 1966), the Berhampur University Act, 1966 (Orissa Act 21 of 1966), and the Sambalpur University Act, 1966 (Orissa Act 22 of 1966), (hereinafter referred to as the principal Acts), namely :—

In section 9 of each of the principal Acts,—

(a) in sub-section (1),—

(i) under the heading “Elected members”, after clause (s), the following new clause shall be inserted, namely—

“(s-1) four students to be elected for one academic year by the Presidents, Vice-Presidents, Secretaries and Assistant Secretaries of College Unions and University Student Unions from among themselves;”

(ii) for clauses (w), (x) and (y) including the proviso thereunder, the following clause and the proviso shall be substituted, namely :—

“(w) three students of whom at least one shall be a lady student, to be nominated by the Vice-Chancellor for one academic year from among the students who have shown outstanding performance in all or any of the following activities—

(i) academic pursuits,

(ii) sports ;

Provided that the disqualification specified in clause (d) of section 28 shall not apply to the election or nomination of students under clause (s-1) or (w).” ;

(b) in sub-section (2), the following proviso shall be added at the end, namely :—

“Provided that the term of office of the students elected or nominated under clauses (s-1) and (w) of sub section (1), shall be for one academic year.”

3. *Transitory provision.*—Notwithstanding anything contained in the principal Acts, the members of the Senate nominated from among students under clauses (w), (x) and (y) of sub-section (1) of section 9 of each of the said Acts who are holding office as such, shall cease to hold office with effect from the date of commencement of the Orissa University Laws (Second Amendment) Act, 1982.

THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 23rd October, 1982 was published in the Orissa Gazette, Extraordinary No. 1568, dated October 23, 1982.

ORISSA ACT NO. 19 OF 1982

An act to provide for the establishment of a council to regulate, control and develop Higher Secondary Education in the State of Orissa.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows :—

1. *Short title, extent and commencement.*—(1) This Act, may be called the Orissa Higher Secondary Education Act, 1982.

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force with effect from the 7th day of September, 1982.

2 *Definitions.*—In this Act, unless the context otherwise requires,
 (a) “academic year” means the year commencing on the first day of June;

(b) “affiliated institution” means any institution affiliated to the Council whether in whole or in part;

(c) “college” means a college affiliated to any University ;

(d) “Committee” means a Committee of the Council;

(e) “Council” means the Council of Higher Secondary Education constituted under section 3;

(f) “examination” means an examination conducted by the Council;

(g) “Government” means the Government of the State of Orissa;

(h) “Headmaster” means the head of the teaching staff of a Higher Secondary School by whatever name he may be designated;

(i) “Higher Secondary Course” means course immediately following the High School Certificate course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Art, Science, Commerce and Vocational Course ;

(j) “Higher Secondary Education” means such general and Vocational Education forming in itself a complete purposive whole which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act, 1952 (Orissa Act 10 of 1952) and immediately precedes a stage of education controlled by any university ;

(k) “Higher Secondary School” means an Educational institute preparing candidates for the examination of the Council and recognised as such by the Council, but does not include for the purpose of this Act and the Regulations made thereunder that part of the institution which prepares candidates for examinations other than Higher Secondary Examination;

(l) “Junior College” means any educational institution established or maintained by Government or by any Association of individuals and recognised by the Council as providing courses of study qualifying students for admission to the Higher Secondary Examination in accordance with the Regulations and includes a College or part of a College which prepares candidates for such examination ;

(m) “prescribed” means prescribed by the regulations made under the Act ;

(n) “Principal” means the head of the teaching staff of a college by whatever name he may be designated ;

(o) “registered teacher” means a teacher who is registered in pursuance of the regulations made in that behalf ;

(p) “recognition” means a recognition for the purposes of admission to the privileges of the Council including its examinations and “recognise” with its grammatical variations shall be construed accordingly ;

(q) “Regulations” means the regulations made under this Act. ;

(r) “text-book” means any book prescribed or recommended for examination in accordance with the regulations ;

(s) “University” means the Utkal University, Berhampur University, Sambalpur University, Orissa University of Agriculture and Technology, Shri Jagannath Sanskrit Vishwavidyalaya and such other University as may be established by law.

3. *Constitution of the Council.*—(1) Government shall constitute a Council called the Council of Higher Secondary Education.

(2) The Council shall be a body corporate with perpetual and a common seal with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act, to transfer any property held by it and to contract and do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

(3) The Council shall consist of the following members, namely:—

(a) Ex-Officio Members—

- (i) Chairman,
- (ii) Vice-Chairman (if appointed),
- (iii) Director of Public Instruction (Higher Education), Orissa,
- (iv) Director Public Instruction (Schools), Orissa,
- (v) President, Board of Secondary Education, Orissa,
- (vi) Director of Technical Education and Training, Orissa,
- (vii) Principal, Regional College of Education, Bhubaneswar,
- (viii) Director, State Council of Educational Research and Training, Orissa,

(ix) Principal, College of Physical Education, Cuttack,

(x) Director, National Cadet Corps or his nominee.

(b) Members to be nominated by Government—

(i) a representative of the Education and Youth Service Department not below the rank of a Deputy Secretary,

(ii) a representative of the Finance Department not below the rank of a Deputy Secretary,

(iii) ten Principals of Colleges including Junior Colleges, if any,

(iv) Five Headmasters of Higher Secondary Schools, to the extent available,

(v) ten registered teachers of recognised Colleges including Junior Colleges,

(vi) five registered teachers of Higher Secondary Schools to the extent available,

(vii) three Circle Inspectors of Schools,

(viii) not more than ten specialists in vocational subjects prescribed for the Higher Secondary Course.

(c) Elected Members—

(i) three members of the Orissa Legislative Assembly to be elected from among themselves,

(ii) one representative from each of the Universities in the State to be elected by the members of the respective Academic Councils from among themselves,

(iii) one representative of the Board of Secondary Education to be elected by the members of the Board.

(4) The Council may co-opt persons not exceeding five, as extraordinary members for any special purpose

(5) Notwithstanding anything contained in this Act, for the purpose of constituting the Council for the first time, the members specified in clause (c) of sub-section (3) shall be nominated by the Government, so far as may be, from among persons belonging to the categories

specified in items (i) to (iii) of that clause and the members so nominated shall hold office for a period of two years

4. *Term of office of members and filling up of vacancies etc.*—(1) Members other than *ex-officio* and co-opted members shall hold office for a term of five years from the date of the notification under section 5.

(2) The term of office of co-opted members shall be one year from the date of co-option.

(3) When the term of office of members (other than *ex-officio* members) has expired, the vacancies so caused shall be filled up as soon as may be and to this end all necessary steps shall be taken by the Secretary of the Council within six months before the expiry of the said term of office :

Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors, elected or nominated, as the case may be, are notified under section 5.

5. *Publication of members.*—The names of persons elected, nominated or co-opted to be members of the Council shall be notified in the Gazette.

6. *Disqualification for membership.*—A person shall be disqualified for being elected, nominated or co-opted as a member of the Council, if he—

(a) is on the date of election, nomination or co-option, of unsound mind or a mute or deaf ; or

(b) is an uncertified bankrupt or undischarged insolvent ; or

(c) has been convicted and sentenced by a Criminal court to imprisonment for an offence involving moral turpitude ; or

(d) has any share or interest in any book published or republished which is intended to be prescribed or recommended as a text book for the Higher Secondary Course ; or

(e) has any share or interest in the business of the publisher of such book ; or

(f) has any share or interest in any work done by order of or in any contract entered into on behalf of the Council.

7. *Vacancies.*—(1) If any member (other than an *ex-officio* member) of the Council absents himself from three consecutive meetings of the Council without permission of the Chairman of the Council, the office held by him shall thereupon become vacant.

(2) If any member of the Council becomes subject to any of the disqualifications under section 6, his office shall thereupon become vacant.

(3) Any vacancy caused in pursuance of sub-section (1) or (2) shall be published by the Council in the Gazette.

8. *Removal from Membership.*—(1) The Government may on the recommendation of the Council remove any member of the Council if he has been convicted by a court of law of any offence which in the opinion of the Council is a serious offence involving moral turpitude or if he is found guilty of gross misconduct :

Provided that no recommendation for the removal of any member shall be made by the Council unless the person concerned is given a reasonable opportunity of being heard.

(2) The name of any member who has been removed from the Council under sub-section (1) shall be published in the Gazette.

9. *Acceptance of resignation.*—(1) No resignation tendered by a member of the Council other than elected members shall be valid until it has been accepted by the Government and no resignation tendered by a member of a Committee appointed under section 21 shall be valid until it has been accepted by the Chairman of the Council.

(2) An elected member may resign his seat by writing under his hand addressed to the Chairman and his seat shall thereupon become vacant.

10. *Filling up of casual vacancies.*—All casual vacancies arising by reason of disqualification, death, removal or resignation among the members of the Council, other than *ex-officio* members shall be filled up as soon as may be by election, nomination, or co-option as the case may be, and the person so elected, nominated or co-opted shall hold office for the unexpired portion of the term of his predecessor in office.

11. *Powers and functions of the Council.*—Subject to the provisions of this Act, the Council shall have the following powers and functions, namely :—

(a) to prescribe courses of instruction for recognised institutions in such branches of Higher Secondary Education as it may think fit ;

(b) to take steps to co-ordinate Higher Secondary Education with University Education on the one side and Secondary Education on the other ;

(c) to make regulations for the purpose of prescribing and recommending any book as a text-book or a hand book or to undertake compilation and publication of such book ;

(d) to make regulations for imposing penalties for acts of misconduct of students, teachers, examiners, examinees, printers of Text-Books or question papers or persons connected with the examinations of the Council ;

(e) to conduct examinations based on such courses as may be prescribed ;

(f) to admit candidates to its examinations in accordance with the regulations ;

(g) to publish the results of its examinations ;

(h) to grant diplomas and certificates to successful candidates ;

(i) to establish, control, regulate or administer any Junior College or any Higher Secondary School subject to the approval of the Government ;

(j) to bring about practical co-ordination between State owned Industrial Institutes, Factories or Workshops or Vocational Institute, Agricultural Farms, Animal Husbandry Centres or Pisciculture Institutes and the Higher Secondary Schools or Junior Colleges providing for vocational courses by way of providing adequate and systematic practical training which will be complementary to the theoretical instruction at the schools or colleges ;

- (k) to call for reports from the Directorate of Public Instruction on the conditions of the recognised institutions or of institutions, applying for recognition and to direct inspection of such institutions ;
 - (l) to recognise institutions for the purposes of admitting them to the privileges of the Council including examinations conducted by it ;
 - (m) to lay down the qualifications of teachers required to teach the subjects included in the courses of study in different branches of Higher Secondary Education, the work-load of such teachers and the number of working days in an academic year and other matters incidental thereto ;
 - (n) to adopt measures to promote the intellectual, physical, moral and social welfare of the students of the recognised institutions and to supervise and control the conditions of their residence, health and discipline ;
 - (o) to institute and award scholarships, medals and prizes according to a scheme or schemes framed by the Council ;
 - (p) to demand and receive such fees as may be prescribed ;
 - (q) to administer funds placed at its disposal for the purposes for which they are intended or generally for the purposes of the Council ;
 - (r) to submit annual accounts and balance-sheet together with the annual report of the Council to the Government and to publish the audited accounts and balance-sheet in the Gazette ;
 - (s) to submit to Government its views on any matter with which it is concerned ;
 - (t) to take measures to provide para military education, opportunities to organise social services and such other activities as the Council considers necessary to inculcate in the minds of the students enrolled in recognised institutions a high sense of citizenship and to train and prepare them to discharge their civic obligations effectively ;
 - (u) to furnish to Government such reports and returns and statements as may be prescribed by regulations and such other information relating to any matter under the control of the Council as the Government may require ;
 - (v) to maintain a library of its own ;
 - (w) to have an Information Cell for dissemination of information about the activities of the Council, employment opportunities of different vocations and field in higher general and professional studies ;
 - (x) to acquire, hold and dispose of property, both movable and immovable, for the purposes of the Council and enter into agreements therefor ;
 - (y) to maintain register of teachers and register of students admitted to the Higher Secondary Course.
12. *Officers of the Council.*—(1) The following shall be the officers of the Council, namely :—
- (i) Chairman ;
 - (ii) Vice-Chairman ;
 - (iii) Secretary ;
 - (iv) Controller of Examinations ;
 - (v) Finance Officer ;
 - (vi) Deputy Secretary ;

- (vii) Deputy Controller of Examinations,
- (viii) Assistant Secretary ;
- (ix) Assistant Controller of Examinations ;
- (x) Chief Librarian-cum-Information Officer; and
- (xi) Such other officers as may be declared by Government from time to time.

13. *Academic staff of the Council.*—(1) The Council may have academic staff consisting of the following, namely :—

- (a) Subject experts,
- (b) Teachers of institutions established and managed by the Council.

(2) Persons belonging to the academic staff shall remain in charge of academic programmes, teaching and such other duties of academic nature as may be assigned to them by the Council.

14. *Chairman and his powers and functions.*—(1) The Chairman, shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole-time or a part-time officer of the Council.

(2) The executive authority of the Council shall vest in the Chairman and it shall be his duty to see that the provisions of this Act and the Regulations made thereunder are faithfully carried out and he shall have all powers necessary for that purpose.

(3) The Chairman shall have power to convene meetings of the Council and call a meeting at any time after due notice on a requisition stating the business to be brought before the meeting signed by not less than one third of the total number of members of the Council.

(4) When any emergency arising out of the administrative business of the Council requires in the opinion of the Chairman that immediate action should be taken, the Chairman shall take such action as he deems necessary and report his action to the Council in its next meeting.

(5) The Chairman shall exercise such other powers as may be prescribed.

15. *Vice-Chairman and functions.*—(1) The Vice-Chairman shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole-time or a part officer of the Council.

(2) The Chairman may delegate such of the powers conferred upon him by or under this Act to the Vice-Chairman as he considers necessary.

(3) The powers so delegated may at any time be withdrawn and the Vice-Chairman shall, in exercising the powers so delegated, be subject to the control of the Chairman.

16. The Chairmon and in his absence the Vice-Chairman and in the absence of both, a member elected from among those present shall preside at every meeting of the Council or of any Committee of which the Chairman or the Vice-Chairman is a member, and the person so presiding shall be entitled to exercise a second or casting vote in every case where the votes are equally divided.

17. *Appointment of Secretary and his function.*—(1) The Secretary shall be appointed by the Government from amongst members of the Orissa Education Service in Class-I on such terms and conditions as they may determine.

- (2) The Secretary shall—
- (a) manage the properties and investments of the Council ;
 - (b) remain in custody of the properties and funds of the Council ;
 - (c) execute all contracts on behalf of the Council ;
 - (d) subject to the control of the Chairman, be the Head of the office of the Council ;
 - (e) maintain the minutes of the meetings of the Council and its committee ;
 - (f) generally render such assistance to the Chairman as may be desired by him in the performance of his duties.
 - (g) exercise and perform such other powers and duties as may be prescribed.

(3) The Secretary shall have the right to speak and otherwise take part in the proceedings at a meeting of the Council and the Executive Committee but shall not be entitled to vote.

18. *Controller of Examinations.*—(1) The Controller of Examinations shall be appointed by the Government from amongst members of the Orissa Education Service in Class-I on such terms and conditions as they may determine

- (2) The Controller of Examinations shall :—
- (a) remain in charge of all examinations ;
 - (b) act as Secretary to the Examination Committee ;
 - (c) exercise such other powers and duties as may be prescribed.

19. *Finance Officer.*—(1) The Finance Officer shall be appointed by Government from amongst members of the Orissa Finance Service in Class-I on such terms and conditions as they determine.

- (2) The Finance Officer shall—
- (a) be responsible for proper investment of the funds of the Council ;
 - (b) exercise general supervision of such funds ;
 - (c) tender advice with regard to financial transactions of the Council ;
 - (d) be responsible for preparation and presentation of the annual financial estimates and statement of accounts to the Council ;
 - (e) act as Secretary to the Finance Committee ; and
 - (f) exercise such other powers and perform such other functions as may be prescribed.

20. *Other Officers.*—(1) All other officers including members of the academic staff enjoying same scale of pay as officers in Class-II under the Government shall be appointed by the Chairman in consultation with the Executive Committee.

(2) All other employees shall be appointed by the Chairman in accordance with the procedure prescribed in that behalf.

(3) The officers mentioned in sub-section (1) shall exercise such powers and perform such functions as may, from time to time, be assigned to them by the Chairman.

21. Committee.—(1) The Council shall have the following committees, namely :—

- (a) Academic Committee ;
- (b) Executive Committee ;
- (c) Recognition Committee ;
- (d) Examination Committee ;
- (e) Finance Committee ;
- (f) Syllabus Committee ; and
- (g) Such other Committees as may be prescribed.

(2) Every such Committee shall consist of such number of members as may be prescribed.

(3) The members of the Committee, except ex-officio members, shall hold office for a period of three years.

(4) The members of the syllabus committee shall be appointed by the Council. All such appointments shall be made in the prescribed manner.

(6) When a person ceases to be a member of the Council he shall automatically cease to be a member of the Committee if he held membership of such committee by virtue of his being a member of the Council.

(6) The powers and functions of the Committees shall be as may be prescribed.

(7) Save as otherwise provided, the provisions contained in sections 6, 7, 8, 9 and 10 shall apply, mutatis mutandis, to the Committees in regard to disqualification for membership, removal from membership, resignation and casual vacancies.

22. Exercise of power delegated by the council to the Committees.—If the Council exercises any powers conferred on it by this Act in any matter which have been delegated, by the Council to a Committee by a regulation, the Council before exercising any such power shall receive and consider the report of the Committee with respect to the matter in question.

23. Proceedings not to be invalid by reasons of casual vacancy.—No act or proceeding of the Council or of a Committee thereof shall be invalid merely by reason of the existence of any casual vacancy among its members.

24. Procedure for holding meetings of the Council and Committees.—Procedure for holding meetings of the Council and the Committees shall be as may be prescribed.

25. Constitution of the Council Fund.—The Council shall have a fund called the Council Fund to which shall be credited :—

- (i) its income from fees, endowments, donations and grants, if any ;
- (ii) contributions which may be made by the Government on such conditions as they may impose ; and
- (iii) receipts from other sources.

26. Custody and investment of the Council Fund.—All moneys at the credit of the Council Fund shall be kept in any Bank as the Council may determine :

Provided that nothing in this section shall be deemed to preclude the Council from investing with the previous sanction of the Government any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1382 (2 of 1882) determined by the Council.

27. *Application of Council Fund.*—Subject to the provisions of this Act, the Council Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purposes for which powers are conferred or duties are imposed upon the Council by or under this Act.

28. *Audit and Accounts.*—(1) The accounts of the Council shall, once at least in every year and at intervals of not more than fifteen months, be audited in accordance with the provisions of the Orissa Local Fund Audit Act, 1948 (Orissa Act 5 of 1948)

(2) The Council shall keep accounts of its receipts and expenditure in such manner and form as may be prescribed.

29. *Foundation Fund.*—(1) The Council shall have a fund called the Foundation Fund.

(2) The Foundation Fund shall consist of—

(a) a sum of not less than rupees two lakhs which shall be given to it by the Government ;

(b) any contributions to the fund which may be made by the Government, any Local Authority or other Public Body or by any other Government or person ; and

(c) any contributions to the fund made by the Council.

(3) The Foundation Fund shall be invested in securities issued or guaranteed by the Central Government or by any State Government and such investment shall not be varied without the consent of the Chairman.

(4) The corpus of the Foundation Fund shall be kept in tact but the interest thereof may be utilised for the purposes of the Council.

(5) The expenditure incurred on account of clause (a) of sub-section (2) shall be an expenditure charged on the Consolidated Fund of the State

30. *Regulations.*—(1) Subject to the provisions of this Act, the Regulations may provide for all or any of the following :—

(a) the manner of co-opting persons as members of the Council, the convening and holding of meetings of the Council and its Committees, the time and place at which such meetings shall be held and the conduct of business thereat ;

(b) the constitution, powers and duties of the Committees specified in section 21 ;

(c) any other function not specified in this Act to be performed by the Chairman.

(d) the conditions of recognition of institutions for the purpose of admission to the privileges of the Council including its examinations ;

(e) the admission of institutions to the privilege of recognition and the withdrawal of recognition ;

(f) the standards of staff, equipment, accommodation and other facilities in any affiliated institution ;

(g) the courses of study including practical training, if any, and the period thereof, and the medium of instruction, the eligibility for admission of students to the courses of study in different branches of Higher Secondary Education ;

(h) the fees for admission to the examinations of the Council ;

(i) the conduct of examinations ;

(j) the appointment of examiners, their duties and powers, their qualifications in relation to the examinations and the remuneration payable to them ;

(k) the conferment of diplomas and certificates ;

(l) the allowances payable to the members of the Council and its committees for attending meetings ;

(m) the control, administration, safe custody and management in all respects of the finances of the Council ;

(n) the co-ordination of Agricultural Farms, Industrial or Vocational Institutes, Animal Husbandry Centres, Pisciculture Centres, Technical Institutes, Professional Colleges, with the Higher Secondary Schools or Colleges as and where necessary ;

(o) all other matters which by this Act are to or may be provided for by Regulations.

(2) The first Regulations shall be framed by the Government.

(3) The Government and, subject to the provisions contained in sub-sections (4) and (5), the Council, may, from time to time, make new or additional Regulations or may amend or repeal any Regulation.

(4) Every new Regulation or addition to the Regulation or amendment to or repeal of any Regulation made by the Council shall be submitted to the Government who may either disallow it or allow it with or without modifications.

(5) No Regulation or addition to the Regulations or amendment or repeal of any Regulation made by the Council shall have validity until allowed by Government.

31. *Members of the Council, etc. to be Public Servants.*—(1) The members of the Council and its Committees, Examiners, Invigilators, Officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(2) An assault or use of criminal force to an Examiner, Invigilator or any other person employed in connection with the examinations conducted by the Council within a period of one month prior to the commencement of the examination, during the course of the examination and within three months immediately following such examination shall be deemed to be an obstruction caused to a public servant in the discharge of his public functions and shall be a cognizable offence.

32. *Indemnity.*—No suit, prosecution or other legal proceedings whatsoever shall lie against any person for anything in good faith done or intended to be done under this Act.

33. *Powers of Government.*—(1) The Government shall have the right to address the council with reference to anything conducted or done by the Council and to communicate to the Council their views on any matter with which the Council is concerned.

(2) The Council shall report to the Government such action, if any, as it proposes to take or has taken on the communication and shall furnish an explanation if it fails to take action.

(3) If the Council does not within a reasonable time take action to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made by the Council, issue such directions consistent with this Act and the Regulations made thereunder as they may think fit and the Council shall comply with such directions,

(4) When any emergency in the opinion of Government requires that immediate action should be taken, the Government may take such action consistent with this Act and the Regulations made thereunder as they deem necessary without previous consultation with the Council and shall forthwith inform the Council of the action taken.

(5) The Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Council, the Executive Committee, or any other Committee, or any other Committee constituted under this Act and prohibit the doing of any Act which purports to be done or intended to be done under this Act, if the Government, after calling for a report from the Council and considering the same, are of opinion that such resolution, order or Act is in excess of the powers conferred by or under this Act upon the Council, the Executive Committee or such other Committee, as the case may be.

(6) In the event of any difference of opinion between the Chairman and the Council or any of its committees on any matter, the same shall be referred to Government for decision which shall be final.

(7) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the Council and also cause an enquiry to be made in respect of any matter connected with the Council. The Government shall in every such case give notice to the Council of their intention to cause such inspection or enquiry to be made and the Council shall be entitled to be represented thereat.

(8) The Government shall forward to the Chairman of the Council a copy of the inspection report for obtaining the views of the Council and on receipt of such views the Government may issue such instructions as they consider necessary and fix a time-limit for action to be taken by the Council :

Provided that Government may, for sufficient cause shown by the Council, extend the time-limit by such period as they may deem fit.

(9) Where action has not been taken by the Council to the satisfaction of Government within the time fixed or extended by them under sub-section (8), they may, after considering any explanation furnished or representation made by the Council, issue such directions as they may think fit and the Council shall comply with such directions.

(10) The Government may by order in writing direct the Council to pay out of Council Fund, the salaries and allowances to its Chairman, Vice-Chairman, Secretary, Controller of Examination and the Finance Officer.

34. Dissolution of the Council.—(1) Where Government are satisfied that the Council has failed to exercise its powers or to perform its fun-

ctions or has exceeded or abused any of the powers conferred on it by or under this Act they may dissolve the Council with effect from a specified date by an order to be notified in the Gazette and take over the management of the Council and appoint an officer to be the Administrator of the Council.

(2) With effect from the date specified for the dissolution of the Council under sub-section(1), all the members of the Council and Committees including the Chairman and the Vice-Chairman shall forthwith be deemed to have vacated their offices as such.

(3) The powers and functions of Council, its committees (other than the syllabus committee) and of the Chairman shall, during the period of dissolution, be exercised and performed by the Administrator.

(4) Every order of dissolution made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

(5) The Council shall be reconstituted within a period of one year from the date of its dissolution.

35. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty :

Provided that no order shall be issued under this section after the expiration of a period of two years from the date of commencement of this Act.

36. Savings.—A College having Intermediate Course which is affiliated to any University shall, for the purposes of this Act, be deemed to be a junior college.

(2) The Registered College Teachers of the Utkal University, the Berhampur University and the Sambalpur University who have been registered as such for life, shall, for the purposes of sub-section (3) of section 3, be deemed to be Registered College Teachers.

(3) The Syllabus Committees which are appointed by the Officer on Special Duty in charge of Higher Secondary Education and were holding office immediately prior to the commencement of this Act, shall be deemed to be the Syllabus Committees appointed by the Executive Committee under this Act and shall continue to hold office till the 31st day of May, 1983.

(4) The syllabi, courses of studies and textbooks recommended by the said Syllabus Committees shall not be varied so as to affect any examination held at any time prior to the expiry of the year 1985.

37. Overriding effect of the Act.—The provisions contained in this Act shall have effect notwithstanding anything to the contrary contained in any other enactment in so far as such other enactment relates to any matter which is provided for in this Act.

38. Repeal and savings.—(1) The Orissa Higher Secondary Education Ordinance, 1982 (Orissa Ordinance No. 8 of 1982.) is hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE ORISSA UNIVERSITY LAWS (SECOND AMENDMENT) ACT, 1982

The following Act received the assent of the Governor on 28th November 1982 and was published in the Orissa Gazette, Extraordinary No. 1727 dated 4th December, 1982.

ORISSA ACT NO. 25 OF 1982

An Act to amend the Utkal University Act, 1966, the Berhampur University Act, 1966 and the Sambalpur University Act, 1966.

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Orissa University Laws (Second Amendment) Act, 1982.

2. *Amendment of section 9.*—The following amendments shall be made in the Utkal University Act (20 of 1966,) the Berhampur University Act, (21 of 1966) and the Sambalpur University Act, (22 of 1966) (hereinafter referred to as the principal Acts), namely :—

In section 9 of each of the principal Act,—

(a) in sub-section (1),—

(i) under the heading “Elected members” after clause (s) the following new clause shall be inserted, namely :—

“(s-1) four students to be elected for one academic year by the Presidents, Vice-Presidents, Secretaries and Assistant Secretaries of College Unions and University Student Unions from among themselves,”

(ii) for clauses (w) (x) and (y) including the proviso there-under, the following clause and the proviso shall be substituted, namely :—

“(w) three students of whom at least one shall be a lady student, to be nominated by the Vice-Chancellor for one academic year from among the students who have shown out-standing performance in all or any of the following activities—

(i) academic pursuits,

(ii) sports:

Provided that the disqualification specified in clause (d) of section 28 shall not apply to the election or nomination of students under clause (s-1) or (w).”;

(b) in sub-section (2), the following proviso shall be added, at the end, namely:—

“Provided that the term of office of the students elected or nominated under clauses (s-1) (w) of sub-section (1), shall be for one academic year.”.

3. *Transitory provision.*—Notwithstanding anything contained in the principal Acts, the members of the Senate nominated from among students under clauses (w), (x) and (y) of sub-section (1) of section 9 of each of the said Acts who are holding office as such, shall cease to hold office with effect from the date of commencement of the Orissa University Laws (Second Amendment) Act, 1982.

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REVENUE DEPARTMENT

Published in the Orissa Gazette, Extraordinary No 44,
dated January 14, 1983

S.R.O. No. 58/83—*The 13th January, 1983.* In exercise of the powers conferred by sub-section (2) of section 1 of the **Indian Stamp (Orissa Amendment) Ordinance, 1982** (Orissa Ordinance No. of 1982), the State Government do hereby appoint the 17th January, 1983 to be the date on which the said ordinance shall come into force.

THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1982.

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 3rd March, 1983, was published in the Orissa Gazette, Extraordinary, No 357 dated March 26, 1983

ORISSA ACT NO. 2 OF 1983

An Act to Amend the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972

Be it enacted by the Legislature of the State of Orissa in the Thirty third Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the **Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1982.**

2. *Amendment of section 2.*—In section 2 of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (Orissa Act 7 of 1972) (hereinafter referred to as the principal Act),—

(a) after clause (b), the following clause shall be inserted, namely :—

“(bb) ‘Corporation’ means a Corporation established by or under a Central Act, or a State Act and owned or controlled by the State Government”;

(b) after clause (c), the following clauses shall be inserted, namely :—

“(cc) ‘Improvement Trust and Special planning Authority’ respectively mean an Improvement Trust and Special Planning Authority constituted under the Orissa Town Planning and Improvement Trust Act, 1956 (Orissa Act 10 of 1957) ;

(ccc) ‘Municipal Council and Notified Area Council’ respectively mean a Municipal Council and a Notified Area Council constituted under the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) ;

(c) for clause (f), the following clause shall be substituted namely :—

“(f) ‘Public premises’ means any premises situated within the jurisdiction of a Municipal Council or Notified Area Council or within an area declared by the State Government to be an industrial estate, and —

(i) belonging to or taken on lease by the State Government or the Board or by any Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority, or University ; or

(ii) requisitioned by the State Governments ;”

(d) after clause (g), the following clause shall be added, namely :—

(h) 'University' means a University established by any Act of the State

3. *Amendment of section 3.*—In section 3 of the Principal Act, for the words "a Company or the Board" wherever they occur, the words "the Board or of a Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University" shall be substituted.

4. *Insertion of new section 4-A.*—After section 4 of the Principal Act, the following new section shall be inserted, namely :—

"4-A. *Stay of Construction.*—The Estate Officer may, if he has reasons to believe that any person unauthorisedly occupying any public premises is constructing or is about to construct any building or other structure or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction or, as the case may be, from constructing such building or structure, and if such person fails to comply with the said order, the Estate Officer may impose a penalty which may extend to one thousand rupees and a daily penalty not exceeding one hundred rupees for every day during which such non-compliance continues and may also issue a warrant for the arrest of the said person and, on his appearance, may send him with a warrant in the form appended to the Schedule for imprisonment in the Civil Jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction."

5. *Amendment of section 5.*—In section 5 of the Principal Act, in the proviso, for the words "a Company or the Board, as the case may be", the words "the Board or of a Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University" shall be substituted.

6. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in sub-section (1), for the words "after giving twenty-one days notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least two daily newspapers having circulation in the locality" the words "after giving reasonable notice to the persons from whom possession of the public premises has been taken" shall be substituted ;

(b) in sub-section (2), for the words "due to the State Government or Company or Board", the words "due to the State Government, Board, Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University" shall be substituted.

7. *Amendment of section 7.*—In section 7 of Principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) If any person refuses or fails to pay—

(a) the arrears of rent or any instalment thereof, or the damages or any instalment thereof within the time specified in the order made under sub-section (1) or, as the case may be, sub-section (2), or

(b) the penalty payable under section 4-A within three months from the date on which the order imposing the penalty is communi-

cated to him, the Estate Officer may issue a certificate for the amount due, to the Collector who shall proceed to recover the same as an arrear of land revenue.”.

8. *Amendment of section 9 and transitory provision.*—(1) In section 9 of the Principal Act,—

(a) in sub-section (1), for the words and figures “under section 5 or section 7 to the Court of the District Judge”, the words, figures and letter “under section 4-A, section 4 or section 7 to the Revenue Divisional Commissioner” shall be substituted ;

(b) in sub-section (2), in clause (b), for the words and figure “under section 7”, the words, figures and letter “under section 4-A or section 7” shall be substituted ;

(2) All appeals filed under section 9 of the Principal Act pending in the Court of a District Judge on the date of commencement of this Act shall stand transferred to the Revenue Divisional Commissioner within whose jurisdiction the concerned premises are situate and shall be disposed of by him in accordance with the provisions contained in that section.

9. *Amendment of section 12.*—In section 12 of the Principal Act, in sub-section (2), for the words “Company or Board”, the words “the Board or to any Company, Corporation, Municipal Council Notified Area Council, Improvement Trust, Special Planning Authority or University” shall be substituted.

10. *Addition of Schedule*—After section 19 of the Principal Act, the following Schedule shall be added, namely :—

“SCHEDULE

(Section 4-A)

Form of warrant to be issued by the Estate Officer under section 4 of the Act. Seal

To

The Officer-in-Charge of the Civil Jail at

Whereas A, B of.....has failed to comply with the order issued under section 4-A of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972;

And whereas it is necessary in order to enforce compliance of the said order, to commit the said A, B to close custody;

You are hereby required under the provisions of section 4-A of the said Act to receive the said A, B into the jail under your charge and there to keep him in safe custody for..... days.

Dated this.....day of..... Signature of
Estate Officer”

THE ARBITRATION (ORISSA AMENDMENT) ACT, 1982

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 21st March, 1983 was published in the Orissa Gazette, Extraordinary, No. 358 dated March 26, 1983.

ORISSA ACT NO. 3 OF 1983

An Act to Amend The Arbitration Act, 1940 in its Application to the State of Orissa

Be it enacted by the Legislature of the State of Orissa in the Thirty third Year of the Republic of India; as follows :—

1. *Short title*—This Act may be called the **Arbitration (Orissa Amendment) Act, 1982**.

2. *Amendment of section 2*.—In section 2 of the Arbitration Act, 1940 (10 of 1940) (hereinafter referred to as the principal Act),—

(i) after clause (a), the following new clause shall be inserted, namely :—

“(a-1) “Arbitration Tribunal” means the Arbitration Tribunal constituted under this Act”;

(ii) after clause (c) the following new clause shall be inserted, namely :—

“(c-1) “Government Company” means a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956) in which not less than Fifty one per cent of the paid up share capital is held by the State Government”;

(iii) after clause (e), the following new clause shall be added, namely :—

“(f) “Statutory Corporation” means any Corporation established by law which is controlled or managed by the State Government.”

3. *Insertion of new section 41-A*. After section 41 of the principal Act, the following new section shall be inserted, namely :—

“41-A *Constitution of and references to the Arbitration Tribunal*.-

(1) Notwithstanding anything contained in this Act or in any contract or any other instrument, but without prejudice to the provisions contained in section 47, in all cases where the State Government a local or other authority controlled by the State Government, a statutory corporation or a Government Company is a party to the dispute, all references to arbitration shall be made to the Arbitration Tribunal.

(2) The State Government shall constitute an Arbitration Tribunal consisting of the following members, namely :—

(a) one member chosen from among the officers belonging to the Orissa Superior Judicial Service (Senior Branch);

(b) one member chosen from among the officers of the Public Works Department of the State Government not below the rank of a Superintending Engineer;

(c) One member chosen from among the officers belonging to the Orissa Finance Service not below the Superior Administrative Cadre in Class I

(3) The member chosen from the Superior Judicial Service (Senior Branch) shall be the Chairman of the Tribunal.

(4) The terms and conditions of appointment of the members of the Tribunal and the headquarters thereof shall be as may be determined by the State Government from time to time.

(5) The business of the Arbitration Tribunal shall be conducted in such manner as the Tribunal may determine.

(6) The Arbitration Tribunal constituted by the State Government under the Arbitration Tribunal Rules, 1979 with its members holding office immediately prior to the commencement of the Arbitration (Orissa Amendment) Act, 1982 shall be deemed to be the Arbitration Tribunal constituted under this Act and shall

continue to hold office till the Tribunal is re-constituted by the State Government.

(7) All arbitration proceedings relating to a dispute of the nature specified in sub-section (1) which are pending before any arbitrator on the date of commencement of the Arbitration (Orissa Amendment) Act, 1982 and in which no award has been made by the said date, shall stand transferred to and disposed of by the Arbitration Tribunal."

THE ORISSA MUNICIPAL ELECTION LAWS (AMENDMENT) AMENDMENT ACT, 1983.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 2nd April 1983 was published in the Orissa Gazette Extraordinary, No 391, dated April 4, 1983.

ORISSA ACT NO. 7 OF 1983.

An Act to amend the Orissa Municipal Election Laws (Amendment) Act, 1983.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Municipal Election Laws (Amendment) Amendment Act, 1983.

(2) It shall be deemed to have come into force with effect from the 11th day of February, 1983.

2. *Amendment of Orissa Act 8 of 1982.*—In the Orissa Municipal Election Laws (Amendment) Act, 1982, (Orissa Act 8 of 1982.) hereinafter referred to as the principal Act), for the words, letters and figures "the 28th February, 1983", wherever they occur, the words, letters and figures "the 31st May, 1983" shall be substituted.

3. *Repeal and savings.*—The Orissa Municipal Election Laws (Amendment) Amendment Ordinance, 1983, (Orissa Ordinance No. 2 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE ORISSA GRAMA PANCHAYATS (REDUCTION OF TERM OF OFFICE) AMENDMENT ORDINANCE, 1983.

The following Ordinance promulgated by the Governor of Orissa on the 7th February, 1983, was published in the Orissa Gazette, Extraordinary, No. 163 dated February 7, 1983.

ORISSA ORDINANCE NO. 1 OF 1983.

An Ordinance to amend the Orissa Grama Panchayats (Reduction of term of office) Act, 1981.

Whereas the Legislature of the State of Orissa is not in session ;

And whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Grama Panchayats (Reduction of Term of Office) Act, 1981 in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by Clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is

pleased to make and promulgate the following ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Orissa Grama Panchayats (Reduction of Term of Office) Amendment Ordinance, 1983.**

(2) It shall come into force at once

2. *Orissa Act 10 of 1981 to be temporarily amended.*—During the period of operation of this Ordinance, the Orissa Grama Panchayats (Reduction of Term of Office) Act, 1981. (Orissa 10 of 1981.) (hereinafter referred to as the Principal Act) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 4.*—In section 4 of the Principal Act, in clause (f), for the words “two years”, the word “two years and six months” shall be substituted.

Dated, the 7th February 1983

C. M. POONACHA
GOVERNOR OF ORISSA

THE ORISSA MUNICIPAL ELECTION LAWS (AMENDMENT) AMENDMENT ORDINANCE, 1983.

The following Ordinance promulgated by the Governor of Orissa on the 11th February 1983 was published in the Orissa Gazette, Extraordinary No. 179 dated February 11 1983.

ORISSA ORDINANCE NO. 2 OF 1983.

An Ordinance to Amend the Orissa Municipal Election Laws (Amendment) Act, 1982

Whereas the Legislature of the State of Orissa is not in session;

And Whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Municipal Election Laws (Amendment) Act, 1982 in the manner hereinafter appearing ;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Orissa Municipal Election Laws (Amendment) Amendment Ordinance, 1983.**

(2) It shall come into force at once.

2. *Amendment of Orissa Act 8 of 1982.*—In the Orissa Municipal Election Laws (Amendment) Act, 1982, (Orissa Act 8 of 1982) for the words, letters and figures “the 28th February, 1983” wherever they occur, the words, letters and figures “the 31st May, 1983” shall be substituted.

Dated the 11th February 1983.

C. M. POONACHA
GOVERNOR OF ORISSA

THE INDUSTRIAL DISPUTES (ORISSA AMENDMENT) ORDINANCE, 1983

The following Ordinance promulgated by the Governor of Orissa on the 21st February, 1983, was published in the Orissa Gazette, Extraordinary No. 213, dated February 21, 1983.

ORISSA ORDINANCE NO. 3 OF 1983

An Ordinance to amend the Industrial Disputes Act, 1947 in its application to the State of Orissa

Whereas the Legislature of the State of Orissa is not in session ;

And where as the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Industrial Disputes Act, 1947, (14 of 1947) in its application to the State of Orissa, in the manner hereinafter appearing ;

And Whereas instructions from the President have been received to promulgate such an Ordinance ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth year of the Republic of India :—

1. *Short title and commencement* —(1) This Ordinance may be called the **Industrial Disputes (Orissa Amendment) Ordinance, 1983.**

(2) It shall come into force at once.

2. *Amendment of section 25-K* —In section 25-K of the Industrial Disputes Act, 1947 (14 of 1947), (hereinafter referred to as the principal Act), in sub-section (1), for the words “three hundred”, the words “one hundred” shall be substituted.

3. *Amendment of section 25-0* —For section 25-0 of the principal Act, the following section shall be substituted, namely : —

“25-0 *Procedure for closing down an undertaking*.—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner :

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) Where an application for permission has been made under Sub-section (1), the appropriate Government after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section

(5), be final and binding on all the parties and shall remain in force for one year from the date of such order

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3) every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months".

4. *Amendment of section 25-R* — In section 25-R of the principal Act, —

(a) in sub-section (2), for the words, brackets, figures and letters "a direction given under sub-section (2) of section 25-0 or section 25-P", the words, brackets, figures and letters "an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-0 or a direction given under section 25 P" shall be substituted ;

(b) Sub-section (3) shall be omitted

C. M. POONACHA

GOVERNOR OF ORISSA.

Dated the 21st February, 1983

THE ORISSA APPROPRIATION (No. 2) ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 31st March 1983, was published in the Orissa Gazette, Extraordinary, No. 377, date of March 31, 1983.

ORISSA ACT NO. 5 OF 1983

An Act to Authorities Payment and Appropriation of Certain Sums from and out of The Consolidated Fund of The State of Orissa for the Services of the Financial Year, 1983-84.

Be it enacted by the Legislature of the State of Orissa in the thirty-fourth year of the Republic of India, as follows:—

1. *Short title*.—This Act may be called the Orissa Appropriation (No. 2) Act, 1983.

(Text omitted)

THE ORISSA APPROPRIATION ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 8th March 1983, was published in the Orissa Gazette, Extraordinary, No. 275, dated March 8, 1983.

ORISSA ACT NO. 1 OF 1983

An Act to authorise payment and appropriation of certain further sums from and out of the consolidated Fund of the State of Orissa for the services of the Financial Year, 1982-83.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the Orissa Appropriation Act, 1983.

(Text omitted)

THE INDIAN STAMP (ORISSA AMENDMENT) ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 5th April 1983, was published in the Orissa Gazette, Extraordinary, No. 396, dated April 5, 1983.

ORISSA ACT NO. 8 OF 1983

An Act to amend the Indian Stamp Act, 1899 in its application to the State of Orissa.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Stamp (Orissa Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 17th day of January, 1983.

2. *Substitution of Schedule 1-A.*—For Schedule 1-A of the Indian Stamp Act, 1899 (2 of 1899) (hereinafter referred to as the principal Act), the following schedule shall be substituted, namely :—

"SCHEDULE 1-A"**STAMP DUTY ON CERTAIN INSTRUMENTS UNDER THE INDIAN STAMP (ORISSA AMENDMENT) ACT, 1983.**

(See section 3)

Note—The articles in Schedule 1-A are numbered so as to correspond with similar articles in Schedule 1.

Description of Instrument (1)	Proper Stamp-duty (2)
2. ADMINISTRATION BOND, including a bond given under sections 291, 375 and 376 of the Indian Succession Act, 1925 (39 of 1925), or section 6 of the Government Savings Banks Act, 1873 (5 of 1873.)	The same duty as a BOND (No. 15) for the same amount.
3. ADOPTION DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Rupees thirty-seven and fifty paise

Description of Instrument	Proper Stamp-duty
(1)	(2)
4. AFFIDAVIT, including an affirmation in the case of persons by-law allowed to affirm or declare instead of swearing.	Rupees five
<i>Exemptions</i>	
Affidavit or declaration in writing when made—	
(a) as a condition of enrolment under the Army Act, 1950 (46 of 1950.), or the Air Force Act, 1950 (45 of 1950);	
(b) for the immediate purpose of being filed or used in any Court or before the Officer of any Court ;	
(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT	
(a) if relating to the sale of a Bill of Exchange ;	Fifty paise
(b) if relating to the sale a Government security or share in an incorporated Company or other body corporate ;	Subject to maximum of rupees thirty-seven and fifty paise, thirty-five paise for every ten thousand or part thereof of the value of the security or share.
(c) if not otherwise provided for	One rupee and ninety paise
<i>Exemptions</i>	
Agreement or memorandum of agreement—	
(a) for or relating to the sale of goods or merchandise exclusively, not being a Note or Memorandum chargeable under No. 43;	
(b) Made in the form of tenders to the Central Government for, or relating to, any loan.	
AGREEMENT TO LEASE—See LEASE (No. 35)	
6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, that instrument relating to—	
(1) The deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	
(2) The pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt.—	

Description of Instrument (1)		Proper Stamp-duty (2)		
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement ;				
(1)	(2)	If drawn singly (3)	If drawn in set of two; for each part of the set (4)	If drawn in set of three for each part of the set (5)
		Rs. P.	Rs. P.	Rs. P.
When the amount of the loan or debt does not exceed Rs. 100;		0.40	0.25	0.25
When the amount of the loan or debt exceeds Rs. 100 but does not exceed Rs. 200;		0.70	0.40	0.25
When it exceeds Rs. 200 but does not exceed Rs. 400;		1.25	0.70	0.45
When it exceeds Rs. 400 but does not exceed Rs. 600;		1.75	0.90	0.70
When it exceeds Rs. 600 but does not exceed Rs. 800;		2.25	1.25	0.80
When it exceeds Rs. 800 but does not exceed Rs. 1,000;		3.75	1.90	1.25
When it exceeds Rs. 1,000 but does not exceed Rs. 1,200;		4 10	2.20	1.60
When it exceeds Rs. 1,200 but does not exceed Rs. 1,600;		5.35	2.85	1.90
When it exceeds Rs. 1,600 but does not exceed Rs. 2,500;		8.15	4.10	2.85
When it exceeds Rs. 2,500 but does not exceed Rs. 5,000;		16.25	8.15	5.65
When it exceeds Rs. 5,000 but does not exceed Rs. 7,500;		25.00	12.50	8.75
When it exceeds Rs. 7,500 but does not exceed Rs. 10,000;		37.50	18.75	12.50
When it exceeds Rs. 10,000 but does not exceed Rs. 15,000;		50.00	25.00	17.50
When it exceeds Rs. 15,000 but does not exceed Rs. 20,000;		68.75	37.50	23.75
When it exceeds Rs. 20,000 but does not exceed Rs. 25,000;		81.25	43.75	27.50
When it exceeds Rs. 25,000 but does not exceed Rs. 30,000		100.00	50.00	37.50
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000;		37.50	18.75	12.50
(b) if such loan or debt is repayable not more than three months from the date of such instrument.		Half the duty payable on a loan or debt under clause (a) for the amount secured.		

Exemption

Description of Instrument (1)	Proper Stamp-duty (2)
Instrument of pawn or pledge of goods, if unattested	
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, moveable or immovable, where made by any writing not being a Will	Sixty-two rupees and fifty paise
8. APPRAISEMENT OR VALU- ATION, made otherwise than under an order of the Court in the course of a suit—	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a BOTTOMRY BOND (No. 16) for such amount.
(b) in any other case	... Eighteen rupees and seventy-five paise.
<i>Exemptions</i>	
(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(b) Appraisement of crops for the pur- pose of ascertaining the amount to be given to a landlord as rent.	
9. APPRENTICESHIP-DEED, inclu- ding every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profes- sion, trade or employment, not being ARTI- CLES OF CLERKSHIP.	Eighteen rupees and seventy-five paise
<i>Exemption</i>	
Instruments of apprenticeship executed by a Magistrate under the Apprenticeship Act, 1850 (19 of 1850) or by which a person is apprenticed by or at the charge of any public charity.	
10. ARTICLES OF ASSOCIATION OF A COMPANY.	One hundred and eigh- teen rupees and seventy- five paise.
<i>Exemptions</i>	
Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956 (1 of 1956) See also Memorandum of Association of a Company (No. 39).	
ASSIGNMENT—See CONVEYANCE (No. 23) TRANSFER (No. 62) and TRANS-	

Description of Instrument (1)	Proper Stamp-duty (2)
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FER OF LEASE (No. 63), as the case may be.

ATTORNEY—See POWER-OF-ATTO-RNEY, (No. 43).

AUTHORITY TO ADOPT—See ADO-PTION DEED (No. 3).

12. AWARD, that is to say, any decision in writing by an arbitrator or umpire not being an award direct-ing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—

(a) where the amount or value of the property to which the award relates, as set forth in such award does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 16) or such amount.
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(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000,	Twenty-three rupees and seventy-five paise
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000	One rupee and twenty-five paise subject to a maximum of one hundred and twenty-five rupees.

15. BOND, as defined by sec-tion 2 (5) not being a DEBENTURE and not being otherwise provided for by this Act, or by the Court Fees Act, 1870 (7 of 1870.)—

Where the amount or value secured does not exceed Rs. 10 ;	Thirty-five paise
Where it exceeds Rs. 10 and does not exceed Rs. 50;	Forty five paise
Where it exceeds Rs. 50 and does not exceed Rs. 100;	One rupee
Where it exceeds Rs. 100 and does not exceed Rs. 200;	Two rupees and fifty paise
Where it exceeds Rs. 200 and does not exceed Rs. 300;	Three rupees and seventy-five paise
Where it exceeds Rs. 300 and does not exceed Rs. 400;	Four rupees and seventy-five paise
Where it exceeds Rs. 400 and does not exceed Rs. 500;	Six rupees
Where it exceeds Rs. 500 and does not exceed Rs. 600;	Eight rupees and fifty paise
Where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees
Where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees

Description of Instrument (1)	Proper Stamp-duty (2)
Where it exceeds Rs. 800 and does not exceed Rs. 900;	Sixteen rupees and twenty-five paise
Where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Eighteen rupees and seventy-five paise
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Nine rupees and forty paise

See (No. 2), ADMINISTRATION BOND
 (No. 16), BOTTOMRY BOND
 (No. 26), CUSTOMS BOND
 (No. 34), INDEMNITY BOND
 (No. 56), RESPONDENTIA BOND
 (No. 57), SECURITY BOND

Exemptions

Bond, when executed by—

(a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, (Bengal Act 3 of 1876), section 99, for the due performance of their duties under that Act;

(b) any person for the purpose of guaranteeing that the local income derived from private subscription to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.

16. BOTTOMRY BOND, that is to say, any statement whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—

Where the amount or value secured does not exceed Rs. 10;	Forty paise
Where it exceeds Rs. 10 and does not exceed Rs. 50;	Eighty paise
Where it exceeds Rs. 50 and does not exceed Rs. 100;	One rupee and fifty paise
Where it exceeds Rs. 100 and does not exceed Rs. 200;	Three rupees
Where it exceeds Rs. 200 and does not exceed Rs. 300;	Four rupees and twenty-five paise
Where it exceeds Rs. 300 and does not exceed Rs. 400;	Six rupees
Where it exceeds Rs. 400 and does not exceed Rs. 500;	Seven Rupees and fifty paise

Description of Instrument (1)	Proper Stamp-duty (2)
Where it exceeds Rs. 500 and does not exceed Rs. 600;	Eight rupees and fifty paise
Where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees
Where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve Rupees
Where it exceeds Rs. 800 and does not exceed Rs. 900;	Sixteen rupees and twenty-five paise
Where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Eighteen rupees and seventy-five paise
and for every Rs. 500 or part thereof in excess Rs. 1,000;	Nine rupees and forty paise

17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.

See also RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61) REVOCATION OF TRUST (No. 64-B).

18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or the Revenue Officer—

(a) where the purchase money does not exceed Rs. 10; Forty paise

(b) where the purchase money exceeds Rs. 10 but does not exceed Rs. 25; Eighty paise

(c) in any other case

The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase money only.

20. CHARTER PARTY—that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer whether it includes a penalty clause or not.

Five rupees

22. COMPOSITION DEED—that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend or their debts is secured to the creditors, or when by provision is made for the continuance of the debtors business

Thirty-seven rupees and fifty paise

Description of Instrument (1)	Proper Stamp-duty (2)
under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	
23. CONVEYANCE—As defined by section 2 (10) not being a transfer charged or exempted under No. 62—	
Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs 50;	One rupee and fifty paise
Where it exceeds Rs. 50 but does not exceed Rs 100;	Three rupees
Where it exceeds Rs. 100 but does not exceed Rs. 200;	Six rupees
Where it exceeds Rs 200 but does not exceed Rs. 300;	Eight rupees fifty paise
Where it exceeds Rs. 300 but does not exceed Rs. 400;	Twelve rupees
Where it exceeds Rs 400 but does not exceed Rs 500;	Fifteen rupees
Where it exceeds Rs. 500 but does not exceed Rs. 600;	Seventeen rupees
Where it exceeds Rs. 600 but does not exceed Rs. 700;	Twenty rupees
Where it exceeds Rs. 700 but does not exceed Rs. 800;	Twenty-three rupees
Where it exceeds Rs. 800 but does not exceed Rs. 1,000;	Thirty-seven rupees and and fifty paise
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Eighteen rupees and seventy-five paise

Exemptions

Assignment of copyright under the Copyright Act, 1957 (11 of 1957), section 18.

CO-PARTNERSHIP DEED (See Partnership No.46).

24. COPY OR EXTRACT—Certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees—

- | | |
|--|-------------------------------------|
| (i) if the original was not chargeable with duty or if the duty, with which it was chargeable does not exceed one rupee; | One rupee and ninety paise. |
| (ii) in any other case | Three rupees and seventy-five paise |

Exemptions

(a) Copy of any paper which a public officer is expressly required by law to

Description of Instrument	Proper Stamp-duty
(1)	(2)
make or furnish for record in any public office or for any public purpose.	
(b) Copy of, or extract from any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.	
25. COUNTERPART OR DUPLICATE—of any instrument, chargeable with duty and in respect of which the proper duty has been paid—	
(a) if the duty with which the original instrument is chargeable does not exceed one rupee and fifty paise;	The same duty as is payable on the original
(b) in any other case	Three rupees and seventy-five paise
<i>Exemption</i>	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
26. CUSTOMS BOND—	
(a) Where the amount does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) In any other case	Twenty-three rupees, and seventy-five paise
DECLARATION OF ANY TRUST—	
See Trust (No. 64).	
DEPOSIT OF TITLE-DEEDS—	
See AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).	
DISSOLUTION OF PARTNERSHIP—See PARTNERSHIP (No. 46).	
29. DIVORCE—Instrument of, that is to say, instrument by which any person effects the dissolution of his marriage.	Five rupees
DOWER—Instrument of—See SETTLEMENT (No. 58).	
DUPLICATE—See COUNTERPART (No. 25).	
31. EXCHANGE OF PROPERTY—instrument of—	The same duty as CONVEYANCE (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT—See Copy (No. 24)	
32. FURTHER CHARGE—	

Description of Instrument	Proper Stamp-duty
(1)	(2)
Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(a) When the original mortgage is one of the description referred to in clause (a) Article No. 40 (that is, with possession);	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.
(b) When such mortgage is one of the descriptions referred to in clause (b) of Article No. 40 (that is, without possession)—	
(i) If at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
(ii) If the possession is not so given	The same duty as a BOTTOMRY BOND (No. 16) for the amount of the further charge secured by such instrument.
33. GIFT—Instrument of, not being a SETTLEMENT (No. 58) or WILL or TRANSFER (No. 62).	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT or agreement for service—See AGREEMENT (No. 5)	
34. INDEMNITY BOND	The same duty as a SECURITY BOND (No. 57) for the same amount.
INSPECTORSHIP DEED—See COMPOSITION DEED (NO. 22)	
35. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let—	
(i) Where the lease purports to be for a term of less than one year;	The same duty as a BOTTOMRY BOND (No. 16) for the whole amount payable under such lease.
(ii) Where the lease purports to be for term of not less than one year,	The same duty as a BOTTOMRY BOND (No. 16) for the

Description of Instrument (1)	Proper Stamp-duty (2)
but not more than five years;	amount or value of the average annual rent reserved.
(iii) Where the lease purports to be for a term exceeding ten years,	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the average annual rent reserved.
(iv) Where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) Where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.
(vi) Where the lease purports to be for term exceeding thirty years, but not exceeding one hundred years;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) Where the lease purports to be for a term exceeding one hundred years, or in perpetuity;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to one sixth of the whole amount of rent which would be paid or delivered in respect of first fifty years of the lease.
(viii) Where the lease does not purport to be for any definite term;	The same duty as a CONVEYANCE (No. 23) for a consideration equal three times the amount or value of the average annual Rent which would be paid or delivered for the first ten years if the lease continued so long.
(b) Where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved;	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
(c) Where the lease is granted for a fine or for money advanced in addition to rent reserved.	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the amount or value of such fine or premium, or advances as set forth in the lease, in addition to the duty

Description of Instrument
(1)

Proper Stamp-duty
(2)

which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.

Provided that, in any case when an agreement to lease is stamped with *ad valorem* stamp required for a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one rupee and ninety paise.

Exemption

Lease, executed in the case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

Explanation.—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

LETTER OF GUARANTEE—See AGREEMENT (No. 5).

38. LETTER OF LICENCE that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

Thirty-seven rupees and fifty paise

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(a) if accompanied by article of association under section 26 of the Companies Act, 1956 (1 of 1956).

Seventy-five rupees

(b) if not so accompanied

One hundred and ninety-three rupees and seventy five paise.

Exemption

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956. (1 of 1956).

Description of Instrument (1)	Proper Stamp-duty (2)
40. MORTGAGE-DEED, NOT BEING AN AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN OR PLEDGE (No. 6) BOND (No. 15), MORTGAGE OF A CROP (No. 41), RESPONDENTIA BOND (No. 56), OR SECURITY BOND (No. 57)— (a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given. (b) when possession is not given or agreed to be given as aforesaid.	The same duty as a CONVEYANCE (No. 23) for consideration equal to the amount secured by such deed. The same duty as BOTTOMRY BOND (No. 16) for the amount secured by such deed.
<i>Explanation</i>—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000;	One rupee and ninety paise
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	One rupee and ninety paise

Exemptions

(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (19 of 1883) or the Agriculturists Loans Act, 1884 (12 of 1884) or by their sureties as security for the repayment of such advances.

(2) Letter of hypothecation accompanying a bill of exchange.

41. MORTGAGE OF A CROP including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of

Description of Instrument (1)	Proper Stamp-duty (2)
a crop, whether the crop, is or is not in existence at the time of the mortgage—	
(a) when the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200.	Thirty paise
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	Thirty paise
(b) when the loan is repayable more than three month but not more than eighteen months from the date of the instrument—	
for every sum secured not exceeding Rs. 100;	Forty paise
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Fifty paise
42. NOTARIAL ACT that is to say, any instrument, endroement note, attestation, certificate, or entry not being a PROTEST (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as as a Notary Public.	Three rupees and seventy-five paise
See also PROTEST OF BILL OR NOTE (No. 50).	
43. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(a) of any goods, exceeding in value twenty rupees;	Fifty paise
(b) of any stock or marketable security exceeding in value twenty rupees.,	Subject to a maximum of rupees thirty-seven and fifty paise, forty five paise for every ten thousand rupees or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP—See also PROTEST BY THE MASTER OF A SHIP (No. 51).	Two rupees and fifty paise
45. PARTITION—Instrument of as defined by section 2(15).	The same duty as a BOTTO-MRY BOND (No. 16) for the amount of the value of the

Description of Instrument
(1)

Proper Stamp-duty
(2)

separated share or shares of the property.

N.B.—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:

Provided always that—

(a) When an instrument of partition containing an agreement to divide property in severality is executed and a partition is effected in pursuance of such agreement the duty chargeable upon the instrument effecting such a partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than one rupee and ninety paise.

(b) Where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue.

(c) Where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one rupee and ninety paise.

46. PARTNERSHIP—
A—Instrument of—

Description of Instrument (1)	Proper Stamp-duty (2)
(a) where the capital of the partnership does not exceed Rs. 500 ;	Nine rupees and fifty paise
(b) in any other case.	Fifty rupees
B—Dissolution of—	Twenty-three rupees and seventy-five paise

PAWN OR PLEDGE—See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (NO. 6).

48. POWER OF ATTORNEY as defined by section 2 (21) not being a proxy—

(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ;	One rupee and ninety paise
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1872 (15 of 1872) ;	One rupee and ninety paise
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a) ;	Three rupees and seventy-five paise
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally.	Eighteen rupees and seventy-five paise
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Thirty-seven rupees and fifty paise
(f) when given for consideration and authorising the attorney to sell any immovable property.	The same duty as a CONVEYANCE (No. 23) for the amount of consideration.
(g) in any other case.	Three rupees and seventy-five paise for each person authorised.

N.B.—The term “Registration” includes every operation incidental to registration under the Indian Registration Act, 1908 (16 of 1908) ;

Explanation.—For the purposes of

Description of Instrument (1)	Proper Stamp-duty (2)
this article more persons than one when belonging to the same firm shall be deemed to be one person.	
50. PROTEST OF BILL OR NOTE that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a Bill of Exchange or Promissory Note.	Five rupees
51. PROTEST BY THE MASTER OF A SHIP that is to say, any declaration of the particulars of the voyage drawn up by him, with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.	Five rupees
See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No 44)	
54. RECONVEYANCE OF MORTGAGED PROPERTY—	
(a) if the consideration for which the property was mortgaged does not exceed Rs 1,000 ;	The same duty as a CONVEYANCE (No 23) for the amount of such consideration as set forth in the reconveyance.
(b) in any other case.	Thirty-seven rupees and fifty paise.
55. RELEASE that is to say instrument not being such a release as provided for by section (23-A), whereby a Person renounces a claim upon another person or against any specified property—	
(a) if the amount or value of the claim does not exceed Rs. 1,000 ;	The same duty as a BOTTOM-RY BOND (No. 16) for such amount or value as set forth in the release.
(b) in any other case.	Eighteen rupees and seventy-five paise
56. RESPONDENTIA BOND that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making	The same duty as a BOTTOMAY BOND (No. 16) for the amount of the loan secured.

Description of Instrument	Proper Stamp-duty
(1)	(2)
repayment contingent on the arrival of the cargo at the port of destination.	
REVOCATION OF ANY TRUST OR SETTLEMENT—See SETTLEMENT (No. 58)—TRUST (NO. 64)	
57. SECURITY BOND OR MORTGAGE DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—	
(a) when the amount secured does not exceed Rs. 1,000;	The same duty as a BOTTOM- RY BOND (No. 16) for amount secured.
(b) in other case.	Eighteen rupees and seventy-five paise.
<i>Exemptions</i>	
Bond or other instrument, when executed—	
(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, (3 of 1876) section 99 for the due performance of their duties under that Act ;	
(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other subject or public utility shall not be less than a specified sum per mensem ;	
(c) by persons taking advances under the Land Improvement Loans Act, 1883 (19 of 1883), or the Agriculturists Loans Act, 1884 (12 of 1884), or by their sureties, as security for the repayment of such advances ;	
(d) by officers of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
58. SETTLEMENT—(A) INSTRUMENT OF (including a deed of dower).	The same duty as a BOTTOM- RY BOND (No. 16) for a sum equal to the amount or value of

Discription of Instrirument
(1)

Proper Stamp-duty
(2)

the property settled as set forth in such settlement :

Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee and ninety paise.

Exemption

Deed of dower executed on the occasion of a marriage between Mohammadans.

(B) REVOCATION OF

The same duty as a BOTTOM-RY BOND (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding thirty-seven rupees and fifty paise.

See ALSO TRUST (No 64)

59. SHARE WARRANTS to bearer issued under the Companies Act, 1956 (1 of 1956).

One and a half times the duty payable on a CONVEYANCE (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.

Exemptions

Share warrant when issued by a company in pursuance of the Companies Act, 1956 (1 of 1956), section 114, to have effect only upon payment, as composition for that duty, to the Collector of stamp-revenue, of—

(a) one and a half percentum of the whole subscribed capital of the company ; or

(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital, one and a half percentum of the additional capital so issued.

61. SURRENDER OF LEASE

Description of Instrument (1)	Proper Stamps-duty (2)
(a) when the duty with which the lease is chargeable does not exceed seven rupees and fifty paise.	The duty with which such lease is chargeable.
(b) in any other case	Eighteen rupees and seventy-paise.
<i>Exemptions</i>	
Surrender of lease, when such lease is exempted from duty.	
62. TRANSFER (whether with or without consideration)—	
*	*
(c) of any interest secured by a bond of mortgage deed—	
(i) if the duty on such bond or mortgage deed does not exceed seven rupees and fifty paise.	The duty with which such bond or mortgage deed is chargeable.
(ii) in any other case	Eighteen rupees and seventy-five paise.
(d) of any property under the Administrator General's Act, 1913, section 25;	Thirty-seven rupees and fifty paise.
(e) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	Eighteen rupees and seventy-five paise or such smaller amount as may be chargeable under clause (c) of the article
<i>Exemptions</i>	
Transfer by endorsement—	
*	*
(b) of a delivery order, warrant for goods, or other mercantile document of title to goods;	
*	*
(d) of securities of the Central Government.	
See also Section 8—	
63. TRANSFER OR LEASE by of assignment and not by way of under lease.	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the amount of the consideration for the transfer.
<i>Exemption</i>	
Transfer of any lease exempt from duty—	
64.— TRUST— A—DECLARATION OF—of concerning any property when made by any writing not being a Will.	The same duty as BOTTOMRY BOND (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but

B—REVOCATION OF—of or concerning any property when made by an instrument other than a Will,

not exceeding fifty-six rupees and twenty-five paise.

The same duty as a BOTTOM-
RY BOND (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding thirty - seven rupees and fifty paise.

See also SETTLEMENT (No. 58)

—Variation

See APPRAISEMENT (No. 8)

65.—WARRANT FOR GOODS Rupee one
that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any signed dock, warehouse or wharf, such instrument being or certified by or on behalf of the person in whose custody such goods may be."

3. *Repeal and Savings.*—(1) The Indian Stamp (Orissa Amendment) Ordinance, 1982 (Orissa Ordinance No. 11 of 1982) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as Amended by this Act,

THE ORISSA GRAMA PANCHAYATS (REDUCTION OF TERM OF OFFICE) AMENDMENT ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 25th March 1983, was published in the Orissa Gazette, Extraordinary, No. 377, dated March 31, 1983.

ORISSA ACT 4 OF 1983

An Act to amend the Orissa Grama Panchayats (Reduction of term of office) Act, 1981.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Orissa Grama Panchayats (Reduction of Term of Office) Amendment Act, 1983.

(2) It shall be deemed to have come into force with effect from the 7th day of February, 1983.

2. *Amendment of section 4.*—In section 4 of the Orissa Grama Panchayats (Reduction of Term of Office) Act, 1981 (Orissa Act 10 of

1981) (hereinafter referred to as the principal Act) in clause (b), for the words "two years", the words "two years and six months" shall be substituted.

3. *Repeal and savings.*—(1) The Orissa Grama Panchayats (Reduction of Term of Office) Amendment Ordinance, 1983 (Orissa Ordinance No. 1 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including notification issued) under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or issued under the principal Act as amended by this Act.

THE ORISSA LOKPAL AND LOKAYUKTAS (AMENDMENT) ACT, 1983.

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 7th May 1983, was published in the Orissa Gazette, Extraordinary, No. 584, dated May 16, 1983.

ORISSA ACT 11 OF 1983.

AN ACT TO AMEND THE ORISSA LOKPAL AND LOKAYUKTAS ACT, 1970.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the Orissa Lokpal and Lokayuktas (Amendment) Act, 1983.

2. *Amendment of Section 2.*—In section 2 of the Orissa Lokpal and Lokayuktas Act, 1970, (Orissa Act 1 of 1971.) (hereinafter referred to as the Principal Act), for clause (h), the following clause shall be substituted, namely :—

"(h) "Minister" means a member of the Council of Ministers and includes the Chief Minister of State, a Deputy Minister and the Leader of the Opposition as defined in clause (b-1) of section 2 of the Orissa Legislative Assembly Members' Salaries, Allowances and Pension Act, 1954, (Orissa 19 of 1954)."

3. *Amendment of Section 3.*—In section 3 of the Principal Act, for clause (a) of the proviso to sub-section (1) the following clause shall be substituted, namely :—

"(a) the Lokpal shall be appointed after consultation with the Chief Justice of the High Court of Orissa and the Opposition, if there is any ;"

4. *Insertion of a new section 12-A.*—After section 12 of the Principal Act, the following section shall be inserted namely :—

"12-A. *Report of Lokpal against the Chief Minister.*—(1) If the Chief Minister receives a report of the Lokpal in respect of a complaint involving a grievance or an allegation against himself, he shall, notwithstanding anything contained to the contrary in section 12, forward it immediately with an elucidatory note, if any, to the Governor.

(2) The Governor shall after considering the report of the Lokpal and the elucidatory note, if any, take such action or pass such orders as

he deems fit or expedient and cause copies of the report, elucidatory note, if any, and of the order passed by him to be laid on the table of the State Legislative Assembly.”.

SHRI JAGANNATH TEMPLE (AMENDMENT) ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 30th April, 1983 was published in the Orissa Gazette, Extraordinary, No. 507 dated May 3, 1983.

ORISSA ACT 10 OF 1983

AN ACT TO AMEND SHRI JAGANNATH TEMPLE ACT, 1955

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called **Shri Jagannath Temple (Amendment) Act, 1983.**

(2) It shall come into force at once.

2. *Amendment of Section 28.*—In section 28 of Shri Jagannath Temple Act, 1955 (Orissa Act 11 of 1955), (hereinafter referred to as the principal Act), in sub-section (1), for the words “and shall consist of” the words and comma “and save as otherwise provided in this Act, shall consist of” shall be substituted.

3. *Insertion of new sections 28-B and 28-C*—In the Principal Act, after section 28-A, the following new sections shall be inserted, namely :—

“28-B *Installation of Hundi*—(1) The Committee may, with the approval of the State Government, install one or more receptacles (hereinafter referred to as Hundi) at such place or places in the Temple as it may think fit for placing of offerings by the pilgrims and devotees visiting the Temple.

(2) The Hundi shall be operated by such person and in such manner as the State Government may, from time to time, determine.

(3) Such portion of the offerings placed in a Hundi as the State Government may, from time to time, direct shall be credited to the Foundation Fund.

(4) No person shall, without being authorised by Administrator in that behalf, go near or interfere in any manner with any Hundi installed in the Temple :

Provided that no such authorisation shall be required for going near any Hundi for the bona fide purpose of placing any offering therein.

(5) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement or in the record of rights, no sevak shall be entitled to any share in the offerings placed in any Hundi installed after the commencement of Shri Jagannath Temple (Amendment) Act, 1983 (Orissa Act 10 of 1983).

28-C. *Foundation Fund.*—There shall be constituted a fund called “Shri Jagannath Temple Foundation Fund” (hereinafter referred to as the Foundation Fund) which shall vest in and be administered by the Foundation Fund Committee constituted under sub-section (6).

(2) The Foundation shall consist of all donations and contributions of an amount exceeding five hundred rupees made by any person to the Temple or in the name of any deity installed therein, other than those made for any specific purpose, and such other amounts as may be directed by the Government.

(3) All amounts credited to the Foundation Fund shall be invested in the long term fixed deposits with such bank or banks as the State Government may approve and shall always be kept so invested, and no such fixed deposit shall be pledged or otherwise encumbered :

Provided that the State Government may permit such sum out of the Foundation Fund as they may fix, to be utilised for any purpose of the Temple as they may specify.

(4) All amounts accruing by way of interest on such fixed deposits shall be credited to and form part of Shri Jagannath Temple Fund constituted under section 28.

(5) Out of the amount so credited to Shri Jagannath Temple Fund—

(a) such percentage not exceeding fifty as the State Government may determine, shall be paid to Shri Jagannath Sanskrit Viswavidyalaya Puri; and

(b) such percentage not exceeding five as may be determined by the State Government shall be utilised for the welfare of the sevaks.

(6) The Foundation Fund Committee shall consist of the following members :—

(a) the Chief Minister of the State of Orissa who shall be the Chairman,

(b) the Minister in charge of Law who shall be the Vice-Chairman,

(c) the Secretary to the Government in Law Department,

(d) the Secretary to the Government in the Finance Department or his nominee who shall not be below the rank of a Joint-Secretary,

(e) the Collector of the district of Puri, and

(f) The Administrator of the Temple who shall be the Secretary.

(7) The Committee shall conduct its business in such manner as they may determine

(8) During the absence of the Chairman the Vice-Chairman shall act as and perform the functions of the Chairman :

Provided that the Secretary to the Government in the Law Department shall act as and perform the functions of the Chairman during any period when both the offices of the Chief Minister, and the Minister Law remain vacant.

(9) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement or in the record of rights, no sevaks shall be entitled to any share out of the amount of donations or contributions to the Foundation Fund made under sub-section (2) after the commencement of Shri Jagannath Temple (Amendment) Act, 1983 (Orissa 10 of 1983).

**THE INDUSTRIAL DISPUTES (ORISSA AMENDMENT)
ACT, 1983**

The following Act of the Orissa Legislative Assembly having been assented to by the President on the 31st March, 1983 was published in the Orissa Gazette, Extraordinary No. 389, dated April 2, 1983.

ORISSA ACT NO. 6 OF 1983

An Act to amend the industrial disputes Act, 1947 in its application to the state of Orissa.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This act may be called the Industrial Disputes (Orissa Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 21st day of February, 1983.

2. *Amendment of section 25-K.*—In section 25-K of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the principal Act), in sub-section (1), for the words “three hundred”, the words “one hundred” shall be substituted.

3. *Amendment of section 25-0.*—For section 25-0 of the principal Act, the following section shall be substituted, namely:—

“25-0. *Procedure for closing down an undertaking.*—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner :

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3) every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every complete year of continuous service or any part thereof in excess of six months."

4. *Amendment of section 25-R.*—In section 25-R of the principal Act:—

(a) in sub-section (2), for the words, brackets, figures and letters "a direction given under sub-section (2) of section 25-0 or section 25-P", the words, brackets, figures and letters "an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-0 or a direction given under section 25-P" shall be substituted;

(b) Sub-section (3) shall be omitted.

5. *Repeal and savings.*—(1) The Industrial Disputes (Orissa Amendment) Ordinance, 1983, (Orissa Ordinance No. 3 of 1983.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE ORISSA CONTINGENCY FUND (AMENDMENT) ORDINANCE, 1983.

The following Ordinance promulgated by the Governor of Orissa on the 3rd May 1983, was published in the Gazette, Extraordinary Dated May 4, 1983.

ORISSA ORDINANCE NO. 4 OF 1983

An Ordinance to amend the Orissa Contingency Fund Act, 1967.

Whereas the Legislature of the State of Orissa is not in session ;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Contingency Fund Act, 1967 in the manner herein-after appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Orissa Contingency Fund (Amendment) Ordinance, 1983.

2. *Orissa Act 18 of 1967 to be temporarily amended*—During the period of operation of this Ordinance, the Orissa Contingency Fund Act, 1967, (Orissa Act 18 of 1967.), (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2, Orissa Act 18 of 1967.*—In section 2 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

“Provided that during the period of operation of the Orissa Contingency Fund (Amendment) Ordinance, 1983, (Orissa Ordinance No. 4 of 1983), this sub-section shall effect subject to the modification that for the words “twenty crores of rupees”, the words “sixty crores of rupees” shall be substituted.”

C. M. POONACHA

Dated the 3rd May 1983.

GOVERNOR OF ORISSA

THE ORISSA ADDITIONAL SALES TAX (AMENDMENT AND VALIDATION) ORDINANCE, 1983.

The following Ordinance promulgated by the Governor of Orissa on the 14th May, 1983 was published in the Orissa Gazette, Extra ordinary No. 565, dated May 16, 1983.

ORISSA ORDINANCE NO. 5 OF 1983

An Ordinance to amend the Orissa Additional Sales Tax Act, 1975

Whereas the Legislature of the State of Orissa is not in session ;

And Whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Additional Sales Tax Act, 1975 in the manner herein-after appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short title*—This Ordinance may be called the Orissa Additional Sales Tax (Amendment and Validation) Ordinance, 1983.

2. *Amendment of section 3.*—For section 3 of the Orissa Additional Sales Tax Act, 1975, (Orissa Act 24 of 1975.), (hereinafter referred to as

the principal Act) the following section shall be and shall be deemed to have been substituted with effect from the 1st day of April, 1979, namely :—

“3. (1) Notwithstanding anything contained in sections 4, 5 and 8 of the said Act, every dealer, whose gross turnover exceeded twentyfive thousand rupees during the period not exceeding twelve months immediately preceding the 1st day of April, 1979 or between the said date and the thirtieth day of June, 1981 or whose gross turnover for a period not exceeding twelve months exceeded fifty thousand rupees on or after the 1st day July, 1981 shall be liable to pay the additional sales tax at such rate not exceeding 1% of his gross turnover as may be notified from time to time by the State Government.

(2) Every dealer who has become liable to pay tax under this Act, shall continue to be so liable until the expiry of three consecutive years during each of which his gross turnover has failed to exceed fifty thousand rupees and such further period after the date of the said expiry as may be prescribed and his liability to pay tax under this Act, shall cease on the expiry of the prescribed period :

Provided that in calculating the period of three consecutive years, the part of a year during which a dealer become first or again liable shall be excluded.

(3) Where a dealer liable to pay tax under this Act, starts a new business, partnership, firm or concern, whether by changing the constitution, style or the name of the previous business, partnership, firm or concern or otherwise, either singly or jointly with any other person, such newly started business, partnership, firm or concern shall, notwithstanding anything contained in this section but always subject to the other provisions of this Act, be liable to pay tax on his gross turnover from the date of commencement of the said business, partnership, firm or concern, as the case may be.

(4) A dealer, who is not liable to pay tax under the forgoing subsections, shall never be liable to pay tax on his gross turnover if such dealer has voluntarily or provisionally registered himself under the said Act, or if such dealer is liable to pay tax or registered as a dealer under the Central Sales Tax Act, 1956 (74 of 1956).

(5) All the provisions of the said Act, excluding those contained in sections 4, 5, 8, 29 and 29-A but including those relating to appeal, revision, reference and penalty shall *mutatis mutandis* apply in relation to the additional sales tax payable under this Act.”

3. *Validation*.—Notwithstanding anything contained in any judgement, decree or order of any Court or other authority to the contrary, any assessment, re-assessment, levy or collection of additional sales tax or imposition of penalty made, any action taken or thing done or purported to have been done under the principal Act before commencement of this Ordinance shall be deemed to have been made, taken done under and in furtherance of the principal Act as amended by this Ordinance.

Dated the 14th May, 1983

C. M. POONACHA
Governor of Orissa

END

THE COURT FEES (ORISSA AMENDMENT) ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 13th May, 1983, was published in the Orissa Gazette, Extraordinary, No 58, dated May 18, 1983.

ORISSA ACT NO. 12 OF 1983

An Act to amend the Court Fees Act, 1870 in its application to the State of Orissa

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Court-Fees (Orissa Amendment) Act, 1983.

(2) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. *Amendment of Schedule II.*—In Schedule II to the Court-Fees Act, 1870 (7 of 1870).

(a) in article 1, the entries occurring under the heading "Proper Fee" as mentioned in column (1) of the following Schedule shall respectively be substituted by the entries shown against them in column (2) thereof :—

SCHEDULE

Entries occurring under the heading "Proper Fee" (1)	Entries to be substituted (2)
1. Thirty paise	Forty-five paise
2. In case of a criminal complaint and appeal, one rupee and fifty paise and in other cases eighty paise.	In case of a criminal complaint and appeal, two rupees and twenty-five paise and in other cases one rupee and twenty paise.
3. One rupee and sixty-five paise.	Two rupees and fifty paise
(b) in article 1-A, for the words "one rupee and ten paise" occurring under the heading "Proper Fee", the words "one rupee and sixty-five paise" shall be substituted ;	
(c) in article 10, for the words "one rupee and fifty paise" and "two rupees and fifty paise" occurring under the heading "Proper Fee" appearing against serials (a) and (b), the words "two rupees and twenty-five paise" and "three rupees and seventy-five paise" shall respectively be substituted.	

THE ORISSA RIVER POLLUTION PREVENTION (REPEAL) ACT, 1983

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 24th May, 1983, was published in the Orissa Gazette, Extraordinary, No. 660, dated June 7, 1983.

ORISSA ACT NO. 15 OF 1983

An Act to repeal the Orissa River Pollution Prevention Act, 1953

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called the Orissa River Pollution Prevention (Repeal) Act, 1983.

2. *Repeal of Orissa Act, 4 of 1954* —The Orissa River Pollution Act, 1953 (Orissa Act 4 of 1954), is hereby repealed.

THE ORISSA MUNICIPAL COUNCILS (POSTPONEMENT OF ELECTIONS) ORDINANCE, 1983

The following Ordinance promulgated by the Governor of Orissa on the 30th May, 1983, was published in the Orissa Gazette, Extraordinary, No 628, dated May 30, 1983.

ORISSA ORDINANCE NO. 6 OF 1983

An Ordinance to provide for the Postponement of Elections to certain Municipal Councils of the State

Whereas the Legislature of the State of Orissa is not in Session ;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action for the postponement of elections to certain Municipal Councils ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Orissa Municipal Councils (Postponement of Elections) Ordinance, 1983.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires :—

(a) “Municipal Act” means the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) ;

(b) “Municipal Council” means a Municipal Council constituted under the Municipal Act and shall include a Notified Area Council constituted thereunder ;

(c) words and expressions used in this Ordinance shall have the same meaning as assigned to them respectively, under the Municipal Act.

3. *Postponement of General Elections in certain Municipal Councils.*—Notwithstanding anything contained in the Orissa Municipal Councils (Postponement of Elections) Act, 1981 (Orissa Act 12 of 1981) or the Orissa Municipal Councils (Postponement of Elections) (No. 2) Act, 1981 (Orissa Act 14 of 1981) or the Municipal Act or in any rules or orders made or issued thereunder :—

(a) all proceedings or actions taken in furtherance of holding general elections for the reconstitution of the Municipal Councils specified in the Schedule are hereby cancelled ; and

(b) the general elections for the reconstitution of the said Municipal Councils shall be held in accordance with the provisions of the Municipal Act and the rules made thereunder on such date, not being later than the 31st March, 1984 as may be fixed by the State Government and the election so held shall, for all purposes, be deemed to be a general election held under that Act.

4. *Repeal*—The Orissa Municipal Councils (Postponement of Elections) Act, 1981 (Orissa Act 12 of 1981) and the Orissa Municipal Councils (Postponement of Elections) (No. 2) Act, 1981 (Orissa Act 14 of 1981) are hereby repealed.

SCHEDULE

1. Chikiti Notified Area Council
2. Pipili Notified Area Council
3. Udala Notified Area Council
4. PuriSottampur Notified Area Council
5. Banpur Notified Area Council
6. Jagatsinghpur Notified Area Council
7. Buguda Notified Area Council
8. Kendrapada Municipal Council
9. Jharsuguda Municipal Council
10. Tarava Notified Area Council
11. Bhūban Notified Area Council
12. Nimapara Notified Area Council
13. HiraKud Notified Area Council
14. Deogarh Municipal Council
15. Bhubaneswar Municipal Council
16. Sambalpur Municipal Council
17. Karanjia Notified Area Council
18. Junagarh Notified Area Council
19. Digapahandi Notified Area Council
20. Basudevpur Notified Area Council
21. Bellaguntha Notified Area Council
22. Talcher Municipal Council
23. Padmapur Notified Area Council

Dated the 30th May, 1983

C. M. POONACHA
Governor of Orissa

Published in the Orissa Gazette, Extraordinary, No. 1070,
dated August 29, 1983

COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

S.R.O. No. 465/83 (The 23rd August, 1983)—In exercise of the powers conferred by sub-section (2) of section (1) of the Orissa Motor Vehicles (Taxation of Passengers) Amendment Act, 1983 (Orissa Act 14 of 1983), the State Government do hereby appoint the 1st day of September 1983 as the date on which the provisions of the said Act shall come into force.

Published in the Orissa Gazette, Extraordinary, No. 176,
dated February 10, 1983

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S.R. O. No. 102/83 (The 8th February 1983)—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940 was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) in the extraordinary issue No. 1222 of the Orissa Gazette, dated the 19th August 1982, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department

No. 13946-T., dated the 16th August 1982 on S.R.O. No. 534/82, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification ;

And whereas objections and suggestions received in respect of the said draft have been considered by the State Government ;

Now, therefore, in exercise of the powers conferred by sections 21, 41 and 68 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940 namely :—

1. (1) These rules may be called the **Orissa Motor Vehicles (Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Motor Vehicle Rules, 1940 (hereinafter referred to as the said rules), in sub-rule (c) of rule 7, for the words "ten rupees" the words "thirty rupees" shall be substituted.

3. In the said rules, in sub-rule (b) of rule 16, for the words "five rupees" the words "twenty-five rupees" shall be substituted

4. In rule 35 of the said rules, in clause (vi) of sub-rule (a) for the words "ten rupees" the words "Same as registration fee for issue of original certificate of registration" shall be substituted.

5. In the said rules, for sub-rule (e) of rule 75, the following sub-rule shall be substituted, namely :—

"(e) The fee for issue of a duplicate permit or a duplicate part of a permit shall be the same as permit fee prescribed under rule 62".

Published in the Orissa Gazette, Extraordinary, No 486,
dated April 28, 1983

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S.R.O. No. 223/83 (*The 25th April, 1983*) :—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940, was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) in the extraordinary issue of the Orissa Gazette No 1198, dated the 11th August 1982, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 13494-T, dated the 7th August 1982 as S.R.O. No. 491/82, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of 30 days from the date of publication of the said notification ;

And whereas no objection or suggestion has been received by the State Government ;

Now, therefore, in exercise of the powers conferred by section 41 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1. (1) These rules may be called the **Orissa Motor Vehicles (Second Amendment) Rules, 1983.**

(2) They shall come into force on the date of their publication in the official gazette.

2. In sub-rule (a) of rule 37 of the Orissa Motor Vehicles Rules, 1940 after the words "any Police Officer not below the rank of a Deputy Superintendent" the commas, words and brackets " ; Deputy Commissioner (Transport), Deputy Commissioner (Enforcement)" shall be inserted.

END

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GUJARAT & MAHARASHTRA

1983

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T H E
Current Indian Statutes
SUPPLEMENT
GUJARAT & MAHARASHTRA

1983

Published in the Maharashtra Govt. Gazette, Part IV-Ka,
dated November 25, 1982

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. PR(Revn.) 0804/81.—The Honourable the Chief Justice and Judges of the High Court at Bombay, with the previous approval of the Governor of Maharashtra under Article 227 of the Constitution of India, are hereby pleased to direct that the following amendments shall be made in the *Criminal Manual, 1980*, namely :—

In para. 39 of Chapter IV of the *Criminal Manual, 1980* on page 112 for the Letters and figures "Rs. 10", the Letters and figures "Rs. 30" shall be substituted.

High Court, Appellate Side,
Bombay, 8th November 1982

S D. KARWANDE,
Additional Registrar.

Published in the Gujarat Govt. Gazette, Part IV-A, No. 43,
dated October 28, 1982

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. GTH-82-26-ECA-1031-2471-B. *Sachivalaya, Gandhinagar, 24th September, 1982.*—In exercise of powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) No. S. O. 681 (E), dated the 30th November, 1974 and S. O. 682 (E), dated the 30th November, 1974 and the Ministry of Agriculture (Department of Food) G.S.R. 452 (B), dated the 25th October 1972, G.S.R. 168 (E), dated the 13th March, 1973, and the Ministry of Agricultural (Department of Food) G.S.R. No. 800, dated the 9th June, 1978 and with the prior concurrence of the Central Government, the Government of Gujarat, hereby makes the following Order further to amend the Gujarat Essential Articles (Licensing, Control and Stock Declaration) Order, 1981, namely :—

1. (1) This Order may be called the **Gujarat Essential Article (Licensing, Control and Stock Declaration) (Amendment) Order, 1982.**

(2) It shall come into force at once.

2. In the Gujarat Essential Articles (Licensing Control and Stock Declaration) Order 1981, in clause 6, in sub-clause (1) for the figures, words and brackets, "6 years" National Savings Certificates (Sixth and Seventh series) the words "National Savings Certificates" shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV-Aa,
dated November 18, 1982.

HOME DEPARTMENT

No. MVR 0182/2-TRA-2 (*Mantralaya, Bombay 400 032, dated the 26th October 1982*) — In exercise of the powers conferred by clause (a) of sub-section (2) of section 21 of the Motor Vehicles Act, 1939 (IV of 1939), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Amendment) Rules, 1982.**

2. In rule 8 of the Bombay Motor Vehicles Rules, 1959, in sub-rule (2) for the words "in Greater Bombay by the Commissioner of Police", the words, "in areas for which a Commissioner of Police has been appointed, by the Commissioner of Police" shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV-Ba,
dated December 2, 1982.

HOME DEPARTMENT

No. BPA. 2082/(1)-PRO-2 (*Mantralaya, Bombay 400 032, dated the 12th November 1982*) — Whereas the Government of Maharashtra considers that the following rules further to amend the Bombay Denatured Spirit Rules, 1959 (hereinafter referred to as "the principal rules"), should be brought into force at once, and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), (hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 of the said Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the principal rules as follows, namely :—

1. These rules may be called the **Bombay Denatured Spirit (Second Amendment) Rules, 1982.**

2. These rules shall come into force from the date of publication of this notification.

3. In the proviso to rule 50 of the principal rules, for the words "forty paise per litre", the words "twenty-five paise per litre" shall be substituted.

4. In rule 59 of the principal rules, for the words "rupee one and seventy-five paise per litre", the words "fifty-five paise per litre" shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV-Ba,
dated December 2, 1982.

HOME DEPARTMENT

No. BPA. 2082/(II)-PRO-2. (*Mantralaya, Bombay 400032, dated the 12th November 1982*)—Whereas the Government of Maharashtra considers that the following rules further to amend the Bombay Rectified Spirit (Transport in Bond) Rules 1951 (hereinafter referred to as "the principal rules") should be brought into force at once, and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), (hereinafter referred to as "the said Act");

Now, therefore, in exercise of the powers conferred by clauses (b), (f) and (u) of sub-section (2) of section 143 of the said Act and of all other powers enabling it in that behalf the Government of Maharashtra hereby makes the following rules further to amend the principal rules as follows, namely :—

1. These rules may be called the **Bombay Rectified Spirit (Transport in Bond) (Second Amendment) Rules, 1982.**

2. These rules shall come into force from the date of publication of this notification.

3. In sub-rule (2) of rule 5 of the principal rules, for the words and figures "rate of 40 paise" the words "rate of twenty-five paise", shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV-Ba
dated December 2, 1982.

HOME DEPARTMENT

No. BPA 2082/(III)-PRO-2. (*Mantralaya, Bombay 400032, dated the 12th November 1982*)—Whereas the Government of Maharashtra considers that the following rules further to amend the Maharashtra Foreign Liquor (Import and Export) Rules, 1963 (hereinafter referred to as "the principal rules"), should be brought into force at once, and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act");

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 of the said Act, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the principal rules as follows, namely :—

1. These rules may be called the **Maharashtra Foreign Liquor (Import and Export) (Second Amendment) Rules, 1982.**

2. These rules shall come into force from the date of publication of this notification.

3. In clause (a) of sub-rule (1) of rule 23 of the principal rules, for the words and figures "Rs. 1.75 per litre" the words "fifty-five paise per litre" shall be substituted.

Published in the Maharashtra Govt. Gazette, Part, IV-Ba,
dated November, 4, 1982.

FINANCE DEPARTMENT

No. PFT. 1081/83/RES-10. (*Mantralaya, Bombay 400 032, dated the 28th October 1982*)—In exercise of the powers conferred by sections 6 and 8 read with section 27 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, the same having been previously published as required by sub-section (3) of the said section 27, namely:—

1. These rules may be called the **Maharashtra State Tax on Professions, Trades, Callings and Employments (Amendment) Rules, 1982.**

2. In the Maharashtra State Tax on Professions, Callings and Employments Rules, 1975 (hereinafter referred to as the principal rules) in rule 2, clauses (5A) and (6A) shall be deleted.

3. In rule 11 of the principal rules, in sub-rule—

(1) after the word, "Employer registered under the Act" the following shall be inserted, namely:—

"other than the employer covered by rule 11-A";

(2) after the words, "salaries and wages" the word "including arrears, if any," shall be added;

(3) in the Illustration, for portion beginning with the word "for the month of May" and ending with the figures, letters and words "31st of May", the following shall be substituted, namely:—

"for the month of June to be furnished on or before the 30th of June."

4. For rule 11A of the principal rules the following rule shall be substituted, namely:—

"11A. Annual Return.—Every employer registered under the Act, in whose case the tax payable in the immediately preceding year has not exceeded Rs. 1,000 or who declares, while applying for registration that the tax payable per annum is not likely to exceed Rs. 1,000, shall furnish annual return subject to the following conditions, namely:—

(a) that the return shall be in Form III-A consisting of three parts. It shall be furnished before last day of the year showing therein salaries and wages including arrears of salaries and wages, if any, paid and the amount of tax deducted by him from the said salaries and wages;

(b) that the employer shall pay the tax in advance into the treasury alongwith Form III-A without filling the return part of the said Form

before the 30th June of each year, an amount equivalent to the tax payable at the rates specified in entry 1, in Schedule I, appended to the Act, on account of salaries and wages that he may pay to his employees for the whole year.

(c) that if the tax payable according to the annual return is more than the tax paid in advance under clause (b) the employer shall furnish the return duly filled in respect of all its parts the prescribed authority along with differential amount of tax and interest, if any. The amount of tax and interest, if any, shall be credited into the account head "028-Other Taxes on Income and Expenditure—Tax on Professions, Trades, Callings and Employments". The part marked "for the payer" shall be returned by the prescribed authority to the employer duly receipted and the part marked "for the Profession Tax Officer" and the return shall be forwarded by the prescribed authority to the Profession Tax Officer having jurisdiction over the area in which the place of work of the employer is situated ;

(d) that if the amount of tax paid in advance under clause (b) is greater than or equal to the amount payable according to the return, then, the employer shall furnish the return to the Profession Tax Officer without filling chalan part of it ; in case the amount of tax paid in advance under clause (b) is greater than the amount payable according to the return then, the employer may adjust the excess amount of tax so paid towards the tax payable by him for the next year under sub-clause (b) of this rule ;

(e) that the employer shall deduct the tax amount from the salary and wage of his employees only when he pays the same to them ;

(f) that if the tax payable per annum exceeds Rs. 1,000 the employer shall from the next following year furnish the returns in accordance with provisions of rule 11 till the year in which the tax payable by him does not exceed Rs. 1,000".

5. In rule 21 of the principal rules :—

(1) Sub-rule (1) shall be deleted ;

(2) Existing sub-rule (2) shall be renumbered as rule 21.

6. For "Form III-A" appended to the principal rules, the following Form shall be substituted namely :—

(Omitted)

7. Form XI and Form XII appended to the principal rules shall be deleted

Published in the Maharashtra Govt. Gazette, Part IV-Ba,
dated November 25, 1982

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

No. BLA. 1078/3953-CR/NRG-2 (Mantralaya, Bombay 400 032,
dated the 10th November 1982) —In exercise of the powers conferred by clauses (e), (f) and (fa) of sub-section (2) of section 12 of the Bombay Lifts Act, 1939 (Bom. X of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Lifts Rules, 1958; the same

having been previously published as required by sub-section (1) of the said section 12, namely :—

1. These rules may be called the **Bombay Lifts (Amendment) Rules, 1982.**

2. In rule 6 of the Bombay Lifts Rules, 1958 (hereinafter referred to as "the principal rules"), for clause (v), the following shall be substituted, namely :—

"(v) Unless the licensee, in the opinion of the Inspector of Lifts, has suitable means for the satisfactory maintenance of the lift, the licensee shall entrust the maintenance of the lift and its installation either to an approved manufacturer of lifts or an approved agent of such manufacturer of lifts or to an approved firm or company of electrical and mechanical engineers of at least five years standing.

Explanation.—For the purposes of this clause, 'approved' means approved by the Inspector of Lifts."

3. In rule 9A of the principal rules, after the words "shall be paid", the following shall be inserted, namely :—

"either prior to the inspection or within ten days from the date of inspection."

4. In the Schedule to the principal rules,—

(a) in clause 2, after sub-clause (k), the following sub-clauses shall be added, namely :—

"The walls enclosing lift-well in the buildings having height more than 24 metres shall have fire resistance of not less than two hours. The lift-well shall have permanent vents immediately under the machine room not less than 0.2 sq-m. in clear area.

(m) The lift-well for fire lift (a lift to enable fire brigade personnel to get to the upper floors with the minimum delay and to be used exclusively by fireman in an emergency and directly accessible to every landing on every floor), in the building having more than 24 metres height, shall be segregated from the other lift-wells by means of brick masonry or R. C. C. wall of a fire resistance of not less than two hours."

(b) in clause 5, after sub-clause (i), the following sub-clause shall be added, namely :—

"(j) For the lifts in buildings having height of more than 24 metres,—

(i) the landing doors shall have fire resistance of not less than one hour ; and

(ii) the landing door for fire lifts shall be power operated, automatic closing and opening type, and the words 'FIRE LIFT' shall conspicuously be displayed in red paint on lift landing doors on each floor."

(c) in clause 7, after sub-clause (q) the following sub-clause shall be added, namely :—

"(r) For the lifts in buildings having height of more than 24 metres,—

(i) Lift-car for fire lift shall have floor area of not less than 1.4 square metres. It shall also have loading capacity of not less than 545 Kgs. (3 persons);

(ii) lift-car door shall have fire resistance of one hour ;

(iii) lift-car for fire lift shall have power operated automatic closing

and opening doors synchronised with landing doors while at landing level.”;

(d) in clause 21, after sub-clause (g), the following sub-clause shall be added, namely :—

“(h) Fire lifts in a building having more than 24 metres height, shall work at or above the speed of 1.0 metre/Sec. so as to reach the top floor from ground level within one minute.

(e) in clause 25, after sub-clause (l), the following sub-clause shall be added namely :—

“(m) The operation of the fire lift in building having more than 24 metres height, shall be a simple toggle or two button switch situated in a glass fronted box adjacent to the lift at entrance level on ground floor. When the switch is ‘ON’, the landing call points shall become inoperative and car shall report to the ground floor and the same shall remain on car control only. When the switch is ‘OFF’, the lift shall return to normal working.”;

(f) In clause 26, after sub-clause (d), the following sub-clause shall be added, namely :—

“(e) The electric supply for the lifts shall be on separate circuits from the main switch rooms and shall be taken through armoured cable separately through respective lift shafts. The route of the armoured cable shall be safe from fire.”.

Published in the Maharashtra Govt. Gazette Part IV, B, dated December 2, 1982

HOUSING AND SPECIAL ASSISTANCE DEPARTMENT

No. ARD. 1080/943-IX.—(Mntralaya, Bombay 400 032, dated the 18th November 1982)—In exercise of the powers conferred by clause (viii) of sub-section (2) of Section 184 read with clause (iii) of sub-section (3) of section 28 and section 64 of the Maharashtra Housing and Area Development Act, 1976. (Mah. XXVIII of 1977), and of all other powers enabling in that behalf, the Government of Maharashtra hereby makes the following rules to amend the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981, the same having been previously published as required by sub-section (3) of said section 184, namely:—

1. These rules may be called the Maharashtra Housing and Area Development (Disposal of Land) (Second Amendment) Rules, 1982

2. In rule 2 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981 (hereinafter referred to as “the principal rules”), after clause (a), the following clauses shall be inserted, namely:—

“(aa) ‘Commercial Centre’ means any specific area referred to as such in which Authority has constructed or proposes to construct a building or a group of buildings consisting of tenements intended to be used for a commercial purpose or any other non-residential purpose, as may be approved by the Authority ;

(ab) ‘Commercial tenement’ means a tenement in a building constructed by the Authority in a commercial centre ;”

3. In rule 11 of the principal rules,—

(a) in the title the word "residential" shall be deleted ;
 (b) for the portion beginning with the word "The Authority may dispose of" and ending with the brackets, letter and word "(c) rental" the following shall be substituted, namely :—

- (1) The Authority may dispose of—
 (a) residential tenements in the building constructed by it on any of the following basis namely :—
 (i) out-right sale;
 (ii) hire-purchase;
 (iii) rental ; and
 (b) commercial tenements in the buildings constructed by it by out-right sale."

4. Rule 12 of the principal rules shall be renumbered as sub-rule (1) of that rule and after sub-rule (1), as so renumbered, the following sub-rule shall be added, namely :—

"(2). As soon as any commercial tenements are ready for disposal, either on account of new construction, or development of a commercial centre, completed or proposed, or on account of vacancies caused in the existing tenements, the Authority shall invite tenders by a notice to be published in a manner laid down by the Authority."

5. In rule 14 of the principal rules,—

- (i) in the title, for the words "waiting list" the words "waiting list for residential tenements/plots" shall be substituted ;
 (ii) for the words "the tenement/plots" the word "the residential tenements/plots" shall be substituted ;
 (iii) for the word "the allotments" the words "the allotment of such tenements/plots" shall be substituted.

6. For rule 15 of the principal rules, the following shall be substituted, namely :—

"15. *Disposal of amenity tenements*:—(1) Tenements in buildings constructed by the Authority exclusively for providing amenities, such as school, post office, police station, hospital, shop and such like purposes for the benefit primarily of residents of a housing colony and the tenements reserved for providing such amenities in commercial centres shall be disposed of by the Authority by out-right sale.

(2) Tenements reserved for providing amenities of the type referred to in sub-rule (1) of this rule in buildings constructed by the Authority for residential purposes shall be disposed of by it either by lease or by out-right sale.

(3) Where the amenity tenements are proposed to be disposed of by the Authority on out-right sale as provided in sub-rule (1) or sub-rule (2) of this rule, the purchase-price therefor shall be,—

(a) in the case of tenements providing public or essential services such as school, post office, police station, hospital and such other like non-commercial purpose, as may, having regard to its general pricing policy, be determined by the Authority ; and

(b) in the case of tenements providing amenities of a commercial nature, as may be determined by the Authority on the basis of tenders invited for the purpose.

(4) Where the purchaser of an amenity tenement is Government, a local authority, or a public sector under-taking the Authority may, if it considers so necessary, allow the purchase price to be paid in more than one instalment, subject to such terms and conditions as may be deemed fit by it in that behalf.

(5) (a) Where amenity tenements are proposed to be disposed of by the Authority by lease, the premium to be charged therefor shall—

(i) in the case of tenement providing public or essential services of the type referred to in clause (a) of sub-rule(3) of this rule, be worked out in the manner provided in sub-rule(3) rule 5 of these rules; and

(ii) in the case of tenement providing amenities of a commercial nature, be determined on the basis of tenders invited for the purpose;

(b) the lease rent to be charged in such case shall be at a rate to be decided by the Authority.

(6) The procedure prescribed for the disposal of commercial tenements shall apply, mutatis mutandis, when the amenity tenements are proposed to be disposed of or the premium in respect of which is proposed to be determined on the basis of invitation of tenders”.

Published in the Maharashtra Govt Gazette Part IV—Ka,
dated November 25, 1982.

**BY THE SECRETARY TO THE MAHARASHTRA HOUSING
AND AREA DEVELOPMENT AUTHORITY.**

No. MH/EMR/1080/11808/EM-9 *Griha Nirman Bhavan, Bandra (East) Bombay 400051 Dated the 20th November 1982.*—In exercise of the powers conferred by sub-section (1) of section 185 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), read with sections 28 and 64 of the said Act and of rule 17 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981, and of all other powers enabling it in that behalf, the Maharashtra Housing and Area Development Authority, with the previous sanction of the Government of Maharashtra, hereby makes the following regulations further to amend the Maharashtra Housing and Area Development (Estate Management Sale, Transfer and Exchange of Tenements) Regulations, 1981, namely:—

1. *Short title and commencement.*—(1) These Regulations may be called the **Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) (Third Amendment) Regulations, 1982.**

(2) They shall come into force on the date of their publication in the Maharashtra Government Gazette.

2. *Amendment of Regulation 2.*—In regulation 2 of the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) Regulations, 1981 (hereinafter referred to as “the principal Regulations”),—

(1) in sub-clause (b) for the words “for allotment of tenements” the words “for allotment of residential tenements” shall be substituted,

(2) in sub-clause (r) the following shall be added at the end, namely:—

"but does not include a plan or project for the construction, establishment and development of a Commercial Centre;"

(3) for sub-clause (u) the following clause shall be substituted, namely :—

"(u) initial instalment" means such amount of purchase price of a tenement as the Board may determine, and which an applicant, tenderer or allottee is required to pay to the Board before occupying such tenement, regard being had to the cost of the tenement, whether provisional or final, constructed under any housing scheme or a scheme for a Commercial Centre."

(4) in sub-clause (za), for the words "and intended to be used principally for residence" the words "or any scheme for a Commercial Centre and intended to be used principally for residence; or for a commercial purpose" shall be substituted.

3. *Amendment of Regulation 3.*—In regulation 3 of the principal Regulations, in clause (1) for the portion beginning with the words "or for transfer or exchange" and ending with the words "tenements under these regulations" the following shall be substituted, namely :—

"or for transfer or exchange of residential tenements, or for permitting caretaker arrangement of residential tenements under these regulations"

4. *Insertion of new Regulation 4-A.*—After regulation 4 of the principal Regulations, the following new regulation shall be inserted, namely :—

"4-A. *Schemes for Commercial Centres.*—The Authority may formulate schemes for the construction, establishment and development of Commercial Centres at such places and for such categories of commercial establishment as it may deem expedient"

5. *Amendment of Regulation 5.*—In regulation 5 of the principal Regulations, for clause (3) the following shall be substituted, namely :—

"(3) the reservation of tenements under sub-clause (a) of clause (2) may be made on such principles, in such manner and on payment of such rent or sale price as the Authority may determine in accordance with the provisions of rule 15 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981."

6. *Amendment of heading of Part III.*—In Part III of the principal Regulations, for the heading "Allotment of tenants" the following shall be substituted, namely :—

"Allotment of residential tenement"

7. *Insertion of new Regulations 5A.*—At the beginning of Part III of the principal Regulations, the following new regulation shall be inserted, namely :—

"5A. *Part not to apply to commercial tenements.*—The provisions of this part shall not apply to allotment of commercial tenements."

8. *Amendment of Regulation 21.*—In regulation 21 of the principal Regulations, in the proviso to clause (4) the words "not yet" shall be deleted.

9. *Insertion of new Part IIJA.*—After regulation 21 of the principal Regulations the following shall be inserted, namely :—

Part III-A

Allotment of Commercial tenements

21-A. *Manner of allotment.*—All commercial tenements shall be allotted in accordance with the provisions of this part.

21-B. *Allotment on basis of outright sale.*—(1) The commercial tenements shall be allotted on the basis of outright sale.

(2) On payment of the whole of the amount of sale price and all other dues, if any, by all the allottees in a building or a group of buildings in a Commercial Centre the building or the group of buildings shall be conveyed by the Authority to the co-operative society, the company or the association, as the case may be, formed by the allottees thereof under a duly executed sale deed and the land beneath or appurtenant thereto shall be given to such co-operative society, company or association, as the case may be, on lease in accordance with the provisions of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981, and subject to the terms and conditions specified in such a lease deed.

(3) Until the building is so conveyed to a co-operative society or a company or an association and the land underneath and appurtenant thereto is leased to it the same shall continue to be the "Authority premises" and the provisions of the Act and the Rules and Regulations made thereunder shall continue to apply in respect of all matters regulated by them.

21-C. *Notice inviting tenders for allotment of commercial tenement.*

(1) The Chief Officer shall display a notice on the Notice Board of his office, inviting sealed tenders for allotment of commercial tenements in a building or a group of buildings constructed or under construction or proposed to be constructed as a Commercial Centre, before such date as may be specified in the notice. The tenders shall be invited for specific tenements or groups of tenements in buildings in a Commercial Centre.

(2) The notice shall specify such details and salient features of the building and each of the tenement or group of the tenements, as the case may be proposed for sale therein the categories of establishments, if any that are proposed to be located in the Commercial Centre, the number of tenements allocable to each such category, the manner of allotment, the amount of deposit or earnest money or both to be paid, the circumstances in which the amount of deposit or earnest money or any portion thereof may be forfeited or retained by the Board towards administrative expenses, the date on which and the time at which the tenders would be opened in the presence of the tenderers, and such other terms and conditions of allotment as may be decided by the Chief Officer.

21-D *Publication of notice in newspapers.*—Where any Board displays a notice on its Notice Board under regulation 21-C the Chief Officer shall forthwith publish a notice in such daily newspapers, as he thinks fit, of which at least one notice shall also be published in English or Hindi newspaper of the area, that a notice containing the details relating to the scheme for a Commercial Centre for inviting tenders has been displayed on the Notice Board of the Board and is open for inspection during office hours.

21-E Application for commercial tenements.—(1) Any person desirous of getting a commercial tenement for bona fide commercial purpose or any other non-residential purpose approved by the Authority may, in pursuance of the notice displayed under regulation 21-C, present a tender in Form VI-A. The tender shall be accompanied by such particulars as specified in the Form. Persons below the age of 18 years shall not be eligible to present tenders for any commercial tenement.

(2) No tender shall be accepted unless—

(a) it is received with accompaniments on or before the date specified in the notice displayed under regulation 21-C, and

(b) the tenderer pays the deposit/earnest money or makes the initial payment as specified or required in accordance with such notice.

(3) The tenderer shall not be entitled to any interest on the amount of the deposit/earnest money or such initial payment made by him under this Regulation.

21-F. Register of applications.—(1) On receipt of a tender under regulation 21-E, the Authorised Officer shall enter such tender in a register, maintained for the purpose, in the order in which it is received by him and enter on the tender the number specified in the register, and the date of its receipt and shall thereafter send a receipt to the tenderer in token of having received the tender on the aforesaid date. There shall be maintained a separate register for each of the commercial tenement or a group of tenements, as the case may be, under the scheme advertised under regulation 21-D. Each such register shall be closed everyday till the last day under an appropriate certificate by the Authorised Officer.

(2) All tenders and the register in which such tenders are entered shall, on the expiry on the last date of receipt of tenders, be kept with the Chief Officer.

21-G Opening and scrutiny of tenders.—(1) The tenders presented by the persons interested in the allotment of commercial tenements on or before the date specified in the notice displayed under clause (1) of regulation 21-C shall be opened by the Chief Officer tenement-wise in the presence of the Chief Accounts Officer on the date and at the time specified in the notice displayed under the said clause (1) of regulation 21-C. The tenderers shall be entitled to be present when the tenders are opened, scrutinized and selected for allotment.

(2) On opening of the tenders, they shall be arranged in the order of the price tendered, that is, the tender containing the highest offer shall be put at the first place followed by the tender containing the next higher offer and so on.

(3) The names of the tenderers so arranged shall be entered in a register kept for the purpose.

(4) The Chief Officer shall thereupon ensure that each tenderer fulfils the conditions of allotment displayed in the notice under regulation 21-C and as disclosed from the particulars specified by him in Form VI-A. The tenderers who as a result of such scrutiny are held to be ineligible shall not be considered for allotment of commercial

tenements in the category of tenements in the scheme under scrutiny. The names of the eligible tenderers shall be entered in separate register kept for the purpose in the order of the price tendered, that is, tenderer whose tender contains the highest offer shall be entered first followed by the tenderer offering next higher tender and so on. The names of tenderers entered in the said register shall constitute the approved list for the purpose of allotment of commercial tenements.

(5) There shall be a separate register for each commercial tenement or a group of commercial tenements, as the case may be.

(6) After the entries on a page of the register of tenderers kept under clause (3) or clause (4) of this regulation are complete the Chief Officer and the Chief Accounts Officer of the Board shall each sign the page and any erasers made thereon in token of the names or erasers being made in their presence and with their approval.

21-H Allotment of tenements.—(1) A commercial tenement or a group of commercial tenements, shall, subject to the provisions of clause (2) of this regulation, be allotted by the Chief Officer to the tenement who is held eligible and whose tender is the highest for the tenement or a group of tenements, as the case may be, for which he has presented his tender. The names of the persons to whom the tenements or group of tenements are so allotted in a building or a group of buildings in a Commercial Centre and the particulars of the tenements or group of tenements allotted to them in a building or a group of buildings and such other particulars as may be determined by the Chief Executive Officer shall be entered in the allotment register kept for the purpose.

(2) Notwithstanding anything contained in clause (1) of this regulation—

(a) the Chief Officer may, if necessary, reject all or any of the tenders without assigning any reasons.

(b) the conditional tenders shall be liable to be rejected.

(c) the Chief Officer shall not, in cases wherein the highest tender is for an amount which is less than the offset price determined by the Authority accept the tender or allot the tenement but shall place the matter before the Board and make the allotment or reject all the tenders in accordance with the decision of the Board in that behalf :

Provided that no such allotment in pursuance of the Board's decision shall be made by the Chief Officer unless the decision of the Board is confirmed by the Authority. The Authority shall, as far as possible confirm or refuse to confirm such decision within a period of two months from the date of receipt of the Board's decision. The decision of the Authority in such a case shall be final.

21-I Renotification of vacancies.—(1) If there are no tenders offered for any commercial tenement or a group of commercial tenements in a Commercial Centre or if all the tenders offered are rejected under these regulations or if the tenement or the group of tenements is not allotted to any tenderer for any reason whatsoever, the Chief Officer shall renotify the vacancy under regulation 21-C.

(2) The Chief Officer may at the time of renotification of vacancies, if considered so necessary, change the category of establishment to be located in the renotified commercial tenements.

21-J. Intimation of allotment of commercial tenements—(1) Subject to the provisions of these regulations, the Authorised Officers shall send an intimation of allotment to every successful tenderer whose name has been included in the Allotment Register kept under regulation 21-H.

(2) On receipt of the intimation of allotment, the allottee shall, within the period specified in the letter, accept by letter to be addressed to the Chief Officer the allotment of the tenement and pay the amounts referred to in the allotment letter and specified in the notice displayed under regulation 21-C, if any.

(3) If the allottee does not convey to the Chief Officer his acceptance of the allotment of tenement to him, or pay the amounts referred to in the allotment letter, within the period specified or, if the period so specified is extended by the Chief Officer, within the period so extended the allotment made in his favour shall be liable to be cancelled and the amount of deposit or earnest money paid by him shall stand absolutely forfeited to the Authority.

(4) Subject to the provisions of this regulation every acceptance under clause (2) shall constitute acceptance of the offer made in the notice published under regulation 21-C and in the letter of allotment.

21-K. Offer to next highest tenderer in certain circumstances—If the allotment made in favour of a successful tenderer is for any reason cancelled under the provisions of these regulations before the tenement is handed over and occupied by the tenderer, the next highest tenderer, in the approved list may be offered and allotted with such tenements on payment of the price agreed to be paid by the original successful tenderer.

21-L. Power to withdraw an allotment—(1) Notwithstanding anything contained in regulation 21-J, the Chief Officer may, before any tenements are handed over and occupied by the successful tenderers, review any decision regarding allotment and may, by order withdraw the allotment duly made under clause (1) of regulation 21-J if he is satisfied that on the basis of any fresh evidence before him, the allotment of the tenement is required to be withdrawn.

(2) Every such order withdrawing an allotment shall be communicated in writing to the tenderer along with the grounds on which the allotment has been withdrawn.

(3) The order of the Chief Officer withdrawing the allotment shall, subject to an appeal to the Chief Executive Officer, be final and binding on the tenderer.

(4) Any tenderer, who is aggrieved by the decision of the Chief Officer, may, within a period of 15 days from the date of receipt of order, file an appeal before the Chief Executive Officer stating in brief the grounds for appeal.

(5) Every appeal shall be decided by the Chief Executive Officer within a period of three weeks from the date of filing an appeal and every order rejecting the appeal shall state briefly the grounds for such rejection.

21-M. *Final allotment.*—(1) After the tenements are ready for occupation, the Estate Manager shall issue an allotment letter to such of the tenderers who have accepted and complied with the requirements of the letter of intimation of allotment informing them that the tenements have been finally allotted to them on the terms and conditions accepted by them. The tenderer shall in writing be asked to take over possession of the tenement within such period as may be specified in the letter.

(2) On acceptance of the allotment of a tenement, the allottee shall be governed by the terms and conditions contained in the allotment order and the provisions of the Act, and Rules and Regulations made thereunder till the property is duly conveyed to the co-operative society, company or association as provided in these regulations."

10. *Insertion of new Regulation 23-A.*—After regulation 23 of the principal Regulations, the following new regulation shall be inserted, namely :—

"23-A. *Part not to apply to commercial tenements.*—The provisions of this part shall not apply to commercial tenements."

11. *Amendment of Regulation 24.*—In regulation 24 of the principal Regulations, the words "is eligible for allotment of the tenement under the scheme and" shall be deleted

12. *Insertion of new Regulation 25-A.*—After regulation 25 of the principal Regulations, the following new regulation shall be inserted, namely :—

"25-A. *Part not to apply to commercial tenements.*—The provisions of this part shall not apply to commercial tenements"

13. *Amendment of Regulation 26.*—In regulation 26 of the principal Regulations in clause (1) for the words "a housing society or a company" the words "a co-operative society or a company or an association" shall be substituted

14. *Insertion of new Regulation 31-A.*—After regulation 31 of the principal Regulations the following new regulation shall be inserted, namely :—

"31-A *Part not to apply to commercial tenements.*—The provisions of this part shall not apply to commercial tenements."

15. *Forms*—(1) The Authority may modify and adopt Forms II, III and IV appended to the principal Regulations for the purpose of their application to the allotment of commercial tenements.

(2) *Insertion of Form VI-A*—After Form VI appended to the principal Regulations, the following new Form shall be inserted, namely :—

"FORM VI A

(See Regulation 21-C).

Form of Tender for Allotment of Commercial Tenement

Instructions—(1) Strike out whichever is not applicable.

(2) All addition and alterations in this form should be initialled by the tenderer.

(3) Where necessary, information may be furnished on separate sheets which should be signed.

1. Tenderer's full name.....
(use Block letters) (Surname) (First) (Middle).

2. Tenderer's present address ... Tenderer's permanent address

3. The list of members of a co-operative society or names of the directors of the company, if the tenderer is a co-operative society or a company.

Serial No.	Name of the member/director	Present address	Occupation
1			
2			

4 Number of tenement or group of tenements for which tender is offered. T.N /GTN.....

5. Category of establishment for which the tenement/group of tenements is proposed to be used (office/shop/dispensary/clinic/hotel/business etc.)

6 Statement of offer ... Surname First Middle name name

I/we, Shri/Smt. (a)
son/daughter/wife of
(b)
Son/daughter/wife of ... (c)
(c)
Son/daughter/wife of ...

(Authorised representative/partner/trustee/managing director/constituted attorney of..... desire and hereby make an offer for allotment of a commercial tenement/group of commercial tenements.No. (s) in the Commercial Centre at..... measuring about sq. metres carpet area and further offer to pay an amount of Rs..... only by way (in words and figures) of sale price for the said commercial tenement/group of commercial tenements.

7. I am/we are/my principals are willing to pay half of the sale price amount within 15 days of the acceptance of my/our offer and the balance within such period hereafter as may be intimated to me/us by the Chief Officer or any other officer authorised by him in that behalf.

8. I/we send herewith a demand draft/cash receipt bearing No.... dated.....for a sum of Rs.....(Rupees.....) being the deposit/earnest money on which no interest is payable to me/us.

9. If my/our offer is not accepted by the Chief Officer..... Board, the deposit/earnest money of Rs.....(Rupees.....)paid by (in words) me/us under paragraph 8 hereof shall be returned to me/us without interest.

10. I am/we are liable to keep this offer valid and not revoke it before the expiry of 6 months from the date of this offer and in the event of my/our failure to observe and perform the liability, the deposit/earnest money paid by me/us under this offer, shall absolutely be forfeited to the Maharashtra Housing and Area Development Authority.

11. If my/our offer is accepted and if I/we fail to pay half of the sale price amount for the said tenement/group of tenements within 15 days of the acceptance of my/our offer and/or the balance within such period as may be intimated to me/us by the Chief Officer or any other officer authorised by him in that behalf the agreement concluded between us shall stand rescinded by the Authority and the amount of earnest money paid by me/us under this offer shall stand absolutely forfeited to the Authority.

12. Any notice or letter of communication addressed to to me/us at the address given below :—

.....
.....
.....
will be deemed a valid and proper notice of intimation to me/us.

13. I/we agree to abide by the decision of the Chief Officer of the.....Board regarding allotment.

14. I/we declare that the information stated herein above is complete and absolutely correct and any error or omission therein, accidental or otherwise, will be sufficient justification for the Chief Officer to revoke at any time acceptance of my/our offer for allotment of the concerned tenement/group of tenements.

15. I/we hereby declare that I/we have read and understood the rules governing the allotment of commercial tenements. I/we agree to abide by the provisions of the Maharashtra Housing and Area Development Act, 1976 and Maharashtra Housing and Area Development (Estate Management, State, Transfer and Exchange of Tenements) Regulations, 1981 and shall execute all such agreements and instruments in relation to the tenement/group of tenements which the authority may require me/us to do.

.....
.....
.....
Tenderers' full Name(s)

.....
.....
.....
Signature(s)"

Published in the Maharashtra Govt. Gazette, Part IV-Aa.
dated December 9, 1982.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 4382/1312/(1295)/D-XXIII. (*Mantralaya Annexe, Bombay 400032, dated 26th October 1982*—In exercise of the powers conferred by clauses (d) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Government of India Ministry of Agriculture (Department of Food) Order, No. G.S.R. 800, dated the 9th June 1978, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Guest Control Order, 1972 namely;

1. This order may be called the **Maharashtra Guest Control (Amendment) Order, 1982.**

2. In the Maharashtra Guest Control Order, 1972 in clause 1, in sub-clause (4), for the figures, letters and words "31st day of October 1982," the figures, letters and words "31st day of October 1983" shall be substituted.

Published in the Gujarat Govt. Gazette Part IV-B, No. 47,
dated November 25, 1982

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/38/DNS/(A) 1081/41304/82/M. *Sachivalaya, Gandhinagar, 24th September, 1982.*—Whereas certain draft rules further to amend the Bombay Denatured Spirit Rules, 1959 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 15-1 and 15-2 of the Government of Gujarat Gazette (Extra-Ordinary) Part-IV-B dated the 18th January 1982, under the Government Notification No GH/L/2/DNS-1081/57402/M dated the 18th January, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 5th March 1982;

AND WHEREAS the objections and suggestions received from the public on the draft have been considered by the Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Denatured Spirit Rules, 1959, namely :—

1. (1) These rules may be called the **Bombay Denatured Spirit (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and from 5th October, 1982.

2. In the Bombay Denatured Spirit Rules, 1959, in rule 50,

(i) in the first proviso for the words "denatured spirit" wherever they occur, the words "denatured spirit or specially denatured spirit as the case may be" shall be substituted;

(ii) the second proviso shall be deleted.

AGRICULTURE AND FOREST DEPARTMENT

No. GHKH-202/(A) LVS/1182/1964/(P) (1). *(Sachivalaya, Gandhinagar, 5th October, 1982)*—WHEREAS the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining the supply of cattle in the State;

NOW, THEREFORE, in exercise of the powers conferred by clause (f) of sub-section (2) of section 4 of Bombay Essential Commodities and Cattle (Control) Act 1958 (Bom. LXII of 1958) and all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following Order, namely :—

1. Short title, extent and commencement :—(1) This Order may be called the **Gujarat Cattle (Import Control) Order 1982.**

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. *Definitions.*—In this Order unless the context otherwise requires,—

(a) 'form' means a form appended to this Order;

(b) 'import' means to bring into the state of Gujarat otherwise than across the customs frontier.

3. *Restrictions on import of cattle.*—(1) No person shall import cattle except under and in accordance with the terms and conditions of a permit issued to him under this clause.

(2) Where any person desires to import any cattle, he shall make an application for the same to the Collector of the district in which the cattle is to be imported and the Collector may, after taking into consideration the availability of fodder and water in the district for the existing therein either issue or refuse to issue an import permit to such person.

(3) For the issue of an import permit there shall be charged a fee of Rs. 20/-per each cattle permitted to be imported.

4. *Appeal*—(1) Any person aggrieved by an order of the Collector refusing to issue a permit may, within 30 days of the date of receipt by him of such order, appeal to the State Government;

Provided that the State Government may admit an appeal after the expiry of the said period of 30 days if the appellant satisfies it that he had sufficient cause for not preferring the appeal within such period.

(2) No order affecting the aggrieved person shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case

5. *Power to prevent unauthorised entries*—Any Police Officer not below the rank of a Police Sub-Inspector or any other officer authorised by the State Government in this behalf may prevent entry of cattle into the State without an import permit under this Order and for that purpose, use such force as may be necessary.

6. *Power of entry, search, seizure, etc.*—Any Revenue Officer not below the rank of a Deputy Mamlatdar or any Police Officer not below the rank of Police Sub-Inspector or any other officer authorised by the State Government in this behalf may, with a view to securing compliance with this Order and to satisfying himself that this Order has been complied with,—

(a) enter and search any premises, vehicle, vessel or any other conveyance with such assistance as may be necessary,

(b) ask any person any necessary questions,

(c) examine any books or documents and

(d) search and so far as may be necessary, seize—

(i) any cattle in respect of which he has reason to believe that contravention of this order has been, is being or is about to be committed;

(ii) any vehicle, vessel or other conveyance used in importing such cattle if he has reason to believe that such vehicle, vessel or other conveyance is liable to be forfeited under the provisions of the Act;

(iii) any books of accounts and documents which, in his opinion, would be useful for or relevant to any proceeding under the Act, and,

(iv) direct by an order in writing any person who owns or is in possession of any cattle in respect of which he has reason to believe that a contravention of the provisions of this order has been or is about to be committed not to remove or dispose of in any manner such cattle and vehicle, vessel or other conveyance used in carrying such cattle without further directions from the officer making such order ;

Provided that provisions of section 100 of the Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall apply to search and seizure under this clause

7 *Information regarding import to be supplied to authorised officer.*—Any person, who imports, cattle, shall, on demand by an officer authorised by the Collector, show the import permit, if any, issued to him under clause 3 and also furnish information in from 'A'.

FORM 'A'

Name and address of person or
his agent who brings cattle
into the State.

1

Total number of cattle

2

FINANCE DEPARTMENT

No. GHN-117-(A) I.TR-1082-1374-L. *Sachivalaya, Gandhinagar*
8th October, 1982.—The following modification to rule 25(v) of the Gujarat State Lottery Rules, 1981, is published for general information :—

1. (1) These rules may be called the Gujarat State Lottery (Eighth Amendment) Rules, 1982.

(2) It shall come into force on and from 10th October, 1982.

2. In the Gujarat State Lottery Rules, 1981, in rule 25, in sub-rule (v) after the words "the common prizes", the words "or the First Prizes" shall be inserted.

Published in the Maharashtra Govt. Gazette Part IV(Aa)
dated October, 1982.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 3382/1313/(1296)/D-XXIII (*Mantralaya Annexe, Bombay*
400s 032, dated 26th October, 1982.)—In exercise of the powers conferred by sub-section (1) read with clauses (d) (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the order of the Government of India, Ministry of Agriculture (Department of Food), No. G.S.R. 800, dated the 9th June 1978, and of all other powers enabling the Government of Maharashtra in this behalf, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Wastage of Foodstuffs at Yagnyas Control Order, 1975, namely:—

1. This order may be called the **Maharashtra Wastage of Foodstuffs at Yadnyas Control (Amendment) Order, 1982.**

2. In the Maharashtra Wastage of Foodstuffs at Yadnyas Control Order, 1975, in clause 1, in sub-clause (4) for the figures, letters and words "31st day of October 1982" the figures, letters and words "31st day of October 1983" shall be substituted.

Published in the Maharashtra Gazette, Part IV (Ka),
dated January 13 1983

BY THE HIGH COURT OF JUDICATURE AT BOMBAY

No. P. 0115/68. The Honourable the Chief Justice and Judges under section 34 of the Advocates Act, 1961 (25 of 1961), section 31(1) (i) of the Bombay Pleaders Act, 1920 (Bom. Act, No. XVII of 1920) and section 9 of the Presidency Small Cause Courts Act, 1882 (15 of 1882) are pleased to direct that the following amendments be made in the **Bombay High Court Appellate Side Rules, 1960, and the Bombay City Civil and Sessions Court Rules, 1948, Rules for computing Pleaders' Fees prescribed in Schedule III of the Bombay Pleaders Act, 1920 and the Presidency Small Cause Court Rules (Reprint 1961) with effect from 15th January 1983.**

I

Substitute the following Rule as Rule VIII for the existing Rule VIII in Schedule A of Chapter XIV of the **Bombay High Court Appellate side Rules, 1960 (Reprint 1981)** as inserted vide Notification No. P. 0115/68, dated 22nd February 1977 :—

"VIII. A Surcharge of 100 per cent shall be allowed on the fixed or ad-valorem fees under the existing rules, in all cases where addition of 100 per cent surcharge would increase the Advocates Fees to any amount upto Rs. 300 and the surcharge of 25 per cent. shall continue to be allowed on the remainder.

Illustration I—If the Advocates' fees as per the rates existing prior to 22nd February 1977 would be upto Rs. 150 there will be an increase by 100 per cent and therefore the fees will be calculated double the said rate.

Illustration II.—If the Advocates' fees as per rates prior to 22nd February 1977 exceed Rs. 150 the fees upto Rs. 150 would be increased by 100 per cent and those remaining in excess of Rs. 150 would be increased by 25 per cent. For example, if the fees are 200 there will be an increase of 100 per cent for Rs. 150 and for the balance of Rs. 50—there will be an increase of 25 per cent. Thus the total fees would be increased to Rs. 362.50 P.

II

Substitute the following Rule as Rule 2(C) for the existing Rule 2(C) of the Rule-Book containing the rules and forms governing the practice and procedure of the Bombay City Civil Court as inserted vide High Court Notification No. P. 0115/68, dated 22nd February 1977 :—

"2(C) A Surcharge of 100 per cent on such part or whole of the fixed or ad-valorem fees as contemplated under Rule 2(A) or 2(B) as will by addition of such surcharge increase the fees of Advocate to any amount upto Rs. 300 shall be allowed and the surcharge of 25 per cent. shall be allowed on the remainder of the fixed or ad valorem fees, if any, under the existing rule."

Illustration I.—If the Advocates' fees as per the rates existing prior to 22nd February 1977 would be upto Rs. 150 there will be an increase by 100 per cent and therefore the fees will be calculated double the said rate.

Illustration II.—If the advocates' fees as per rate prior to 22nd February 1977 exceed Rs. 150, the fees of Rs. 150 would be increased by 100 per cent and those remaining in excess of Rs. 150 would be increased by 25 per cent. For example, if the fees are Rs. 200 there will be an increase of 100 per cent for 150 and for the balance of Rs. 50 there will be an increase of 25 per cent. Thus, the total fees would be increased to Rs. 362.50 P.

III

Substitute the following Rule as Rule 14-B for the existing Rule 14-B of the Presidency Small Cause Court Rules (Reprint 1961) as inserted vide High Court Notification, No. P. 0115/68, dated 22nd February 1977 :—

"14-B. A Surcharge of 100 per cent shall be allowed on the fixed or ad-valorem fees under the existing rules including the surcharge of 25 per cent in all cases where addition of 100 per cent surcharge would increase the Fees of the Legal Practitioner to any amount upto Rs. 300 and the surcharge of 25 per cent shall continue to be allowed on the remainder."

Illustration I.—If the Advocates' fees as per the rates existing prior to 22nd February 1977 would be upto Rs. 150 there will be an increase by 100 per cent and therefore the fees will be calculated double the said rate.

Illustration II.—If the Advocates' fees as per rates prior to 22nd February 1977 exceed Rs. 150, the fees of Rs. 150 would be increased by 100 per cent and those remaining in excess of Rs. 150 would be increased by 25 per cent. For example, if the fees are Rs. 200 there will be an increase of 100 per cent for Rs. 150 and for the balance of Rs. 50 there will be an increase of 25 per cent. Thus, the total fees would be increased to Rs. 362.50 P.

IV

In supersession of Part IV of High Court Notification, No. P. 0115/68, dated 22nd February 1977 the following the substituted :—

"A Surcharge of 100 per cent shall be allowed on the fixed or ad valorem fees including the Surcharge of 25 per cent under the Rules for computing Pleaders fees prescribed in Schedule III of the Bombay Pleaders Act in all cases where addition of 100 per cent surcharge would increase the Pleaders fees for any amount upto Rs. 300 and the surcharge of 25 per cent shall continue to be allowed on the remainder."

Illustration I.—If the Advocates' fees as per the rates existing prior to 22nd February 1977 would be upto Rs. 150 there will be an increase by 100 per cent and therefore the fees will be calculated double the rate.

Illustration II.—If the Advocates' fees as per rates prior to 22nd February 1977 exceed Rs. 150, the fees of Rs. 150 would be increased by 100 per cent and those remaining in excess of Rs. 150 would be increased by 25 per cent. For example, if the fees are Rs. 200 there will be an increase of 100 per cent for Rs. 150 and for the balance of Rs. 50

there will be an increase of 25 per cent. Thus, the total fees would be increased to Rs. 362.50 P.

High Court of Judicature at Bombay :
Dated 23rd December 1982.

D. B. KHADE,
Prothonotary and Senior Master,
S. D. KARWANDE,
Additional Registrar.

Published in the Maharashtra Govt. Gazette, Part IV (Aa)
Dated, January 13, 1983.

REVENUE AND FORESTS DEPARTMENT

No. SWM 1082/81715(A)/F-6. *Mantralaya, Bombay 400 032, dated the 16th December 1982.*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules further to amend the Bombay Forest Rules, 1942, namely :—

1. These rules may be called the **Bombay Forest (Third Amendment) Rules, 1982.**

2. In rule 2 of the Bombay Forest Rules, 1942, after clause (a), the following clause shall be inserted, namely :—

“(a-1) ‘Chief Conservator of Forest’ includes the Chief Conservator of Forest (Special) and the Additional Chief Conservator of Forest.”

REVENUE AND FORESTS DEPARTMENT

No. SWM. 1083/81715(B)/F-6. *Mantralaya, Bombay 400 032, dated the 16th December 1982.*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules further to amend the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, namely :—

1. These rules may be called the **Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch Areas) (Third Amendment) Rules, 1982.**

2. In rules 2 of the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, after clause (a), the following clause shall be inserted, namely :—

“(a-1) ‘Chief Conservator of Forests’ includes the Chief Conservator of Forests (Special) and the Additional Chief Conservator of Forests.”

REVENUE AND FORESTS DEPARTMENT

No. SWM. 1082/81715(C)/F-6. *Mantralaya, Bombay 400 032, dated the 16th December 1982.*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules further to amend the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, namely :—

1. These rules may be called the **Hyderabad Transit of Forest Produce (Bombay) (Third Amendment) Rules, 1982.**

2. In rule 2 of the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, after clause (a), the following clause shall be inserted, namely :—

“(a-1) ‘Chief Conservator of Forests’ includes the Chief Conservator of Forests (Special) and the Additional Chief Conservator of Forests”.

Published in the Maharashtra Govt. Gazette, Part IV (Ba),
dated January 6, 1983

HOUSING AND SPECIAL ASSISTANCE DEPARTMENT

No. ARD. 1082/(1076)-IX: *Mantralaya, Bombay 400 032, dated the 17th December 1982.*—In exercise of the powers conferred by clause (xv) of sub-section (2) of section 184 read with sub-section (3) of section 86 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXXVIII of 1977), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules; namely :—

1. *Short title and commencement.*—(1) These rules may be called the **Maharashtra Housing and Area Development (Bombay Building Repairs and Reconstruction Fund) Rules, 1982.**

(2) They shall come into force on the date of their publication in the Maharashtra Government Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(1) (a) “Act” means the Maharashtra Housing and Area Development Act, 1976 (Mah. XXXVIII of 1977);

(b) “Bombay Board” means the Bombay Housing and Area Development Board, established under section 18 of the Act;

(c) “Financial Controller” means the Financial Controller appointed by the Authority with the previous approval of the Government, under sub-section (1) of section 19 to the Act.

(d) “Government” means the Government of Maharashtra.

(e) “Repairs Fund” means the Bombay Building Repairs and Reconstruction Fund created under sub-rule (1) of rule 3.

(2) The words and expressions used in these rules but not defined therein, shall have the same meaning respectively assigned to them in the Act.

2. *Creation of Fund.*—(1) A fund called “the Bombay Building Repairs and Reconstruction Fund” shall be created and maintained by the Authority.

(2) The amount transferred to the Fund of the Authority by the Government under sub-section (1) of section 86 of the Act, shall be transferred and credited by the Authority to the Repairs Fund.

4. *Operation of Fund.*—(1) The Financial Controller shall, from time to time, withdraw from the Repairs Fund and place at the disposal of the Joint Chief Accounts Officer of the Bombay Board the amounts required by the Board for performing its duties and functions under Chapter VIII of the Act.

(2) The Joint Chief Account Officer or any other officer authorised by him with the approval of the financial Controller in that behalf, may open one or more separate banking accounts and operate them for conducting the financial transactions relating to the Repairs Fund.

5. *Investment of surplus amount in the Fund.*—Any surplus amount in the Repair Fund, which may not be required by the Board for performing its duties and functions under Chapter VIII of the Act, may be deposited by the Financial Controller in the Reserve Bank of India or in such Schedule Bank or invested in such securities as may be approved by the State Government under section 35 of the Act.

HOME DEPARTMENT

No BPA. 1082/25/PRO-2. *Mantralaya, Bombay 400032, dated the 13th December 1982.*—In exercise of the powers conferred by clauses (b) and (H1) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :—

1 These rules may be called the **Bombay Foreign Liquor (Fourth Amendment) Rules, 1982.**

2. In rule 70-D of the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the principal rules"), for sub-rule (6), the following shall be substituted, namely :—

"(6) The permit holder other than a permit holder in Wardha District shall not possess at any one time any quantity of Foreign Liquor or Country Liquor or of both in excess of twelve units and the permit holder in Wardha District shall not possess at any one time any quantity of such liquor in excess of four units."

3. In rule 70-F of the principal rules, in sub-rule (6) for the words "twelve units," the words "four units", shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV, (Aa)
dated December 30, 1982

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA. 2582/187/(1214)/XXIII. *Mantralaya Annexe, Bombay, 400032, dated the 30th November 1982*—In exercise of the powers conferred by clauses (d), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Government of India, Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation), Order No. S. O. 681/(E), dated the 30th November 1974 and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. GSR 800, dated the 9th June 1978 and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979, namely :—

1. This Order may be called the **Maharashtra Scheduled Commodities Retail Dealers' Licensing (Amendment) Order, 1982.**

2. In the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979 (hereinafter referred to as "the said Order"), in clause 6, in sub-clause (1), for the words and letter "in Form A", the words, letter and figure "in Form A-1" shall be substituted.

3. In the said Order after Form A the following Form shall be inserted, namely :—

"FORM A-1

[See clause 6(1) of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979].

Application for renewal of a licence issued under the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979.

To

(Here specify the name of the Licensing Authority)

Sir,

I/we, ... hereby

(Here mention name of the applicant)

request that my/our Licence No. dated the
19, issued to me/us on the
19, to carry on business as a retail dealer
 may be renewed for a further period of three years from the
19.

(Here mention the date from which the renewal is sought).
 being the date immediately next after the last date of its validity or
 expiry namely, ...

(Here mention the last date of validity or expiry of the licence)

1. I/we request that following entries in the Licence need to be
 modified as indicated below against each entry :—

Existing entry.

Change desired.

(1)	(1)
(2)	(2)
(3)	(3)

2. I/we hereby declare and state that the particulars furnished
 by me/us in the application for grant of Licence still hold good in
 respect of items.

1, 2, 3, 4, 5, 6, 9, 10, 11 and 12. The particulars furnished by me/
 us in respect of items 7, 8 are as under :—

Items number.

Present position

[(1)] (7)

[(2)] (8)

[(3)] Any other item:

3. I/we hereby declare that all the other particulars mentioned in
 the Licence to be renewed need no deletion or addition or modification.
 Date.

Signature of Applicant.

(For Office use)

- (1) Date of receipt of this application
- (2) Renewal fee of Rs. received.
- (3) Applicant called on

*(a) Licence number renewed and issued
 to the applicant on

* (b) Request for renewal of Licence rejected. Received the Licence duly renewed.

Date and signature of the applicant:

*Strike off whichever is not applicable."

Published in the Gujarat Govt. Gazette, Part IV-A, No. 48, dated 2nd December, 1982.

INDUSTRIES, MINES AND POWER DEPARTMENT

No. GU/82/70(A)/MCR-2180-(154)-1404-CHH. (Sachivalaya, Gandhinagar, 20th October, 1982.—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Government of Gujarat hereby makes the following rules further to amend the *Gujarat Minor Mineral Rules, 1966, namely :—

1. These rules may be called the Gujarat Minor Mineral (2nd Amendment) Rules, 1982.

2. In the Gujarat Minor Mineral Rules, 1966, in Rule 18 in sub-rule (i) in clause (a), after sub-clause (i) the following proviso shall be added, namely :—

“Provided that if the State Government is of the opinion that in the interest of mineral development and industrial development of the State, it is necessary so to do, for the purpose of establishing a mineral based industry in the State, it may, for the reasons to be recorded in writing, grant a quarry lease for a period not exceeding twenty years.”

3. In the Gujarat Minor Mineral Rules, 1966 in rule 18, in sub-rule 1, clause (b) after sub-clause (i), the following proviso shall be added namely :—

“Provided that if the State Government is of the opinion that in the interest of the Mineral Development and industrial development of the State, it is necessary so to do, for the purpose of establishing mineral based industry in the State, it may, for the reasons to be recorded in writing, renew a quarry lease for a period not exceeding twenty years.”

Published in the Gujarat Govt. Gazette, Part IV-B, No. 49, dated December 9, 1982.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/40(A)/OPIUM—1081/29372(82)(i). Sachivalaya, Gandhinagar, 26th October, 1982.—Whereas certain draft rules further to amend the Bombay Mhowra Flowers Rules, 1950 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) at pages 120-1 to 120-4 of the Gujarat Government Gazette, Extra-ordinary, Part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/12/opium 1081-24641(i)-M, dated 14th June 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July 1982 ;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government ;

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay

Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Gujarat hereby makes the following rules further to amend the Bombay Mhowra Flowers Rules, 1950, namely :—

1. (1) These rules may be called **the Bombay Mhowra Flowers (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November 1982.

2. In the Bombay Mhowra Flowers Rules, 1950 (hereinafter referred to as "the said rules") in rule 5, in sub-rule (2),

(a) in clause (A), in sub clause (d),

(1) in item (i), for the figures and word "50 paise" the letters and figures "Re. 1" shall be substituted ;

(2) in item (ii), for the letters and figure "Re 1" the letters and figures "Rs. 5" shall be substituted.

(b) in clause (B)—

(1) in sub-clause (a), for the letters and figures "Rs. 100" the letters and figures "Rs. 250" shall be substituted;

(2) in sub-clause (b), for the letters, word and figures "Rs. 100 plus Rs. 50" the letters, words and figures "Rs. 250 plus Rs. 100" shall be substituted;

(3) in sub-clause (c), for the letters and figures "Rs. 200" the letters and figures "Rs. 350" shall be substituted;

(4) in sub-clause (d), for the letters, word and figures "Rs. 200 plus Rs. 50" the letters, word and figures "Rs. 350 plus Rs. 100" shall be substituted;

(5) in sub-clause (e), for the letters and figures "Rs. 400" the letters and figures "Rs. 500" shall be substituted;

(6) in sub-clause (f), for the letters, word and figures "Rs. 400" plus Rs. 50" the letters word and figure "Rs. 500 plus Rs. 100" shall be substituted

(c) in clause (C)—

(1) in sub-clause (a) for the letters and figures "Rs. 25" the letters and figures "Rs. 50" shall be substituted;

(2) in sub-clause (b) for the letters and figures "Rs. 100" the letters and figures "Rs. 250" shall be substituted;

(3) in sub-clause (c), for the letters, words and figures "Rs. 100 plus Rs. 50" the letters word and figures "Rs. 250 plus Rs. 100" shall be substituted ;

(4) in sub-clause (d) for the letters and figures "Rs. 200" the letters and figures "Rs. 350" shall be substituted;

(5) in sub-clause (e), for the letters, word and figures "Rs. 200 plus Rs. 50" the letters word and figures "Rs. 350 plus Rs. 100" shall be substituted;

(6) in sub-clause (f), the letters and figures "Rs. 400" the letters and figures "Rs. 500" shall be substituted;

(7) in sub-clause (g) for the letters, word and figures "Rs. 400 plus Rs. 50" the letters, word and figures "Rs. 500 plus Rs. 100" shall be substituted;

3. In the said rules, in rule 10. in sub-rule (1), for the words "a fee of Rupee one" the words "a fee of rupees two" shall be substituted;

4. In the said rules, in rule 13, in sub-rule (1), for the figures and words "50 paise and in any other case of Rupees one" the words "rupee one and in any other case of rupees two" shall be substituted.

5. In the said rules, in rule 15, in sub-rule (1), for the figures and words "50 paise and in any other case, of Rupee one" the words "rupee one and in any other case of rupees two" shall be substituted.

6. In the said rules, in rule 18, in sub-rule (1), for the words "a fee of Rupee one" the words "a fee of rupees two" shall be substituted.

7. In the said rules in rule 21, in sub-rule (1) for the words "Fee of rupee one" the words "fee of rupees two" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No GH/L/41 (A)/OPIUM-1081/29372(32) (ii)-M.—*Sachivalaya, Gandhinagar 26th October, 1982*—Whereas certain draft rules further to amend the Bombay Neera Rules 1951 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) at pages 120-4 to 120-5 of the Gujarat Government Gazette, Extra-Ordinary, Part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/14/OPIUM-1081/24641-(iii)-M, dated 14th June 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July 1982;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

Now, Therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Neera Rules, 1951 namely :—

1. (1) These rules may be called the Bombay Neera (Gujarat Amendment) Rules, 1982.

(2) They shall come into force on and with effect from 8th November 1982.

2. In the Bombay Neera Rules, 1951, in rule 5, for the words, letters and figures "a fee of Rs. 5" the words "a fee of rupees ten" shall be substituted.

SOCIAL WELFARE & TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/42(A)/OPIUM-1081/29372(32) (iii)-M.—*Sachivalaya, Gandhinagar, 26th October, 1982*—Whereas certain draft rules further to amend the Bombay Sacramental Wine Rules, 1950 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-5 to 120-6 of the Gujarat Government Gazette Extraordinary, Part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/15/opium-1081/24641-(iv)-M, dated 14th June 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July 1982;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government ;

Now therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Sacramental Wine Rules, 1950 namely :—

1. (1) These rules may be called the **Bombay Sacramental Wine (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Sacramental Wine Rules, 1950 (hereinafter referred to as "the said rules") in rule 3, for the words "Fifty Naye paise" the words "a fee of rupees two" shall be substituted.

3. In the said rules, in rule 4, for the words, letters and figures "a fee of Re. 1" the words "a fee of rupees five" shall be substituted.

4. In the said rules in Form S. W. I. in the preamble, for the words and figures "a fee of Re. 1" the words and figures "a fee of Rs. 5" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/43(A)/OPIUM/1081-29372 (82) (iv)-M. *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Bombay Sacrament Wine Manufacturing Rules, 1950 were published as required by Sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-6 to 120-7 of the Gujarat Government Gazette Extra-ordinary, Part IV-B, dated 14th June 1982, under Government Notification Social Welfare and Tribal Development Department No. GH/L/16/Opium-1081-24641-(v)M dated 14th June, 1982, inviting objections and Suggestions from all persons likely to be affected thereby till 29th July 1982;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government ;

Now, therefore, in exercise of the powers conferred by clause (u) of Sub-section (2) of Section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Sacramental Wine Manufacturing Rules, 1950 namely :—

1. (1) These rules may be called the **Bombay Sacramental Wine Manufacturing (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Sacramental Wine Manufacturing Rules, 1950 in rule 4, for the words, letters and figure "a fee of Rs. 5" the Words "a fee of rupees ten" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/44(A)/OPIUM/1081/29372(82) (v) M. *(Sachivalaya, Gandhinagar, 26th October, 1982).*—Whereas certain draft rules further to amend the Bombay Foreign Liquor Rules, 1953 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act,

1949 (Bom. XXV of 1949), at pages 120-7 to 120-9 of the Gujarat Government Gazette, Extra-ordinary, part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/17/OPIUM-1081/24641 (vi)-M dated 14th June 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July 1982 ;

And whereas objections and suggestions received from the Public on the said draft have been considered by the Government ;

Now therefore, in exercise of the powers conferred by clause (n) of Sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Foreign Liquor Rules, 1953 namely :—

1. (1) These rules may be called the **Bombay Foreign Liquor (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November 1982.

2. In the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the said rules") in rule 5, in sub-rule (1), for the words, letters and figures "a fee of Rs. 1000" the words "a fee of rupees two thousand five hundred" shall be substituted.

3. In the said rules, in rule 25, in sub rule (1), for the words, letters and figures "a fee of Rs. 500" the words "fee of rupees one thousand" shall be substituted.

4. In the said rules, in rule 63,

(i) in sub rule (1), for the words and figure, "a fee of Re. 1", the words and figures "a fee of Rs. 2" shall be substituted ;

(ii) in sub rule (3), for the words and figures "a fee of Rs. 20" the words and figures "a fee of Rs. 40" shall be substituted.

5. In the said rules, in rule 67, in sub rule (1), for the words and figure "a fee of Rs. 1", the words and figure "a fee of Rs. 2" shall be substituted.

6. In the said rules, in rule 69,

(i) in Sub-rule (2), for the words and figure "a fee of Rs. 1" the words and figures "a fee of Rs. 2" shall be substituted;

(ii) in sub rule (3), for the words and figure "a fee Rs. 5" the words and figures "a fee of Rs. 10" shall be substituted;

7. In the said rules, in rule 70, in Sub rule (3), for the words and figure "a fee of Rs. 5" the words and figures "a fee of Rs. 10" shall be substituted.

8. In the said rules, in rule 71, for the words and figure "a fee of Re. 1", the words and figure "a fee of Rs. 2" shall be substituted.

9. In the said rules, in 72, for the words and figure "a fee of Re. 1", the words and figure "a fee of Rs. 5" shall be substituted

10. In the said rules, in rule 93, in sub rule (2), for the words, letters and figures "a fee of Rs. 10" the words "a fee of rupees twenty five" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/45(A) OPIUM-1081/29372 (82)(VI)-M. *Sachivalaya, Gaudhinagar, 26th October, 1982.*—Whereas certain draft rules further

to amend the Gujarat Poppy Capsules Rules, 1963 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-9 to 120-10 of the Gujarat Government Gazette, Extraordinary, part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/18/opium/1081/24641 (vii)/M dated 14th June, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

Now, Therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Poppy Capsules Rules, 1963 namely :—

1. (i) These rules may be called the **Gujarat Poppy Capsules (Amendment) Rules, 1982.**

(ii) They shall come into force on and with effect from 8th November, 1982.

2. In the Gujarat Poppy Capsules Rules, 1963 (hereinafter referred to as "the said rules") in rule 7, in sub-rule (3), the words "on payment of a fee of rupees two" shall be added at the end.

3. In the said rules, in rule 8, in sub-rules (3), the words "on payment of a fee of rupees two" shall be added at the end.

4. In the said rules, in rule 10, in sub-rule (3), the words "on payment of a fee of rupees two" shall be added at the end.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/46/(A) OPIUM-1081/29372(82) (vii) M. *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Bombay Opium Rules, 1953 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-10 to 120-11 of the Gujarat Government Gazette Extra-Ordinary, part IV-B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/19/opium/1081/24641/(viii)/M dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982.

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

Now, Therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Opium Rules, 1953, namely :—

1. (i) These rules may be called the **Bombay Opium (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Opium Rules, 1953 (hereinafter referred to as, "the said rules"), in rule 12-A, in sub-rule (2), the words "on payment of a fee of rupees two" shall be added at the end.

3. In the said rules, in rule 13, in sub-rule (2), the words "on payment of a fee of rupees two" shall be added at the end

4. In the said rules in rule 14, in sub-rule (3), the words "on payment of a fee of rupees two" shall be added at the end.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/47(A) OPIUM/1081/29372(82)(viii) M.—(*Sachivalaya, Gandhinagar, 26th October, 1982.*) Whereas certain draft rules further to amend the Bombay Ganja and Bhang Rules, 1953 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at page 120—12 of the Gujarat Government Gazette Extraordinary, Part IV-B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/20/opium/1081/24641/(ix)/M dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982;

AND, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules, further to amend the Bombay Ganja and Bhang Rules, 1953, namely:—

1. (1) These rules may be called the **Bombay Ganja and Bhang (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982

2. In the Bombay Ganja and Bhang Rules, 1953 (hereinafter referred to as "the said rules"), in rule 11-B, in sub-rule (2), the word "on payment of a fee of rupees two" shall be added at the end.

3. In the said rules in rule 11-C, in sub-rule (2), the words "on payment of a fee of rupees two" shall be added at the end.

4. In the said rules, in rule 12, in sub-rule (3), the words "on payment of a fee of rupees two" shall be added at the end.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/48(A) OPIUM/1081/29372(82) (ix)-M.—(*Sachivalaya, Gandhinagar, 26th October, 1982.*) Whereas certain draft rules further to amend the Bombay Spirituous Medicinal Preparations (Sale) Rules, 1954 were published as required by sub-section (3) of section 143 of the Bombay Prohibition, Act, 1949 (Bom. XXV of 1949), at page 120-13 of the Gujarat Government Gazette Extraordinary, Part IV-B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/21/OPIUM-1081/24641 (X)-M. dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982.

And whereas objections and suggestions received from the public on the said draft have been considered by the Government.

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949, (Bom XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Spirituous Medicinal Preparations (Sale) Rules, 1954, namely :—

1. (1) These rules may be called the **Bombay Spirituous Medicinal Preparations (Sale) (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Spirituous Medicinal Preparations (Sale) Rules, 1954 (hereinafter referred to as "the said rules"), in rule 9A in sub-rule (2), for the letters, words and figure "a fee of Re. 1" the letters, words and figure "a fee of Rs. 2" shall be substituted.

3. In the said rules, in rule 15-A in sub-rule (2), for the letters, words and figure "a fee of Re. 1" the letters words and figure "a fee of Rs. 2" shall be substituted.

SOCIAL, WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/49/(A) Opium-1081/29372(82)(x)-M. *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Gujarat Articles Unfit for use as intoxicating liquor (Manufacture and Import) Regulation Rules, 1966 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), at pages 120-14 to 120-15 of the Gujarat Government Gazette Extra-ordinary, Part IV-B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/22/Opium-1081/24641(xi)-M, dated 14th June, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982 ;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government ;

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Articles unfit for use as intoxicating liquor (Manufacture and Import) Regulation Rules, 1966, namely :—

1. (1) These rules may be called the **Gujarat Articles Unfit for use as intoxicating liquor (Manufacture and Import) Regulation (Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Gujarat Articles Unfit for use as intoxicating liquor (Manufacture and Import) Regulation Rules, 1966 (hereinafter referred to as "the said rules") in rule 4, in sub-rule (1), for the words "a fee of Rupee one" the words and figures "a fee of Rupees 25" shall be substituted.

3. In the said rules, in rule 12, in sub-rule (2),

(1) in clause (i) for the letters, figures and words "Rs. 25 only", the words and figures "Rupees 50 only" shall be substituted;

(2) in clause (ii), for the letters, figures and words "Rs. 2 only", the words and figures "Rupees 5 only" shall be substituted.

4. In the said rules, in rule 15, in sub-rule (2), for the words "a fee of Rupee one" the words "a fee of Rupees two" shall be substituted;

5. In the said rules, in Form S.A.I. in the second paragraph, for the words "a fee of Rupees one" the words and figures "a fee of Rupees 25" shall be substituted.

6. In the said rules, in Form S.A. 3, in First paragraph, for the words "a fee of Rupee one" the words "a fee of Rupees two" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/50/(A) Opium/1081/29372/(82)(xI) M *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Bombay Denatured Spirit Rules 1959 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-15 to 120-17 of the Gujarat Government Gazette, Extra Ordinary part -IV-B, dated 4th June, 1982 under Government Notification; Social Welfare, and Tribal Development Department No. GH/L/23/Opium/1081/24641/(xii) M dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982;

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Gujarat hereby makes the following rules further to amend the Bombay Denatured Spirit Rules, 1959, namely :—

1. (1) These rules may be called the **Bombay Denatured Spirit (Second Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Denatured Spirit Rules, 1959 (hereinafter referred to as "the said rules"), in rule 5, for the letters words and figures "a fee of Rs. 10" the words and figures "A fee of rupees 250" shall be substituted.

3. In the said rules, in rule 25, in sub-rule (2), for the words "a fee of fifty naya paise" the words "a fee of rupees five" shall be substituted.

4. In the said rules, in rule 26, in sub-rule (3),

(a) for the words, letters and figures "a fee of Re. 1" the words "a fee of rupees five" shall be substituted ;

(b) for clause (A), the following shall be substituted ;

"(A) When the total quantity allowed per month, for the manufacture of varnishes, polishes, colours and dyes—

(i) does not exceed 500 litres. Rs. 50

(ii) exceeds 500 litres but does not exceed 2500 litres. Rs. 100

- (iii) exceeds 2500 litres but does not exceed 10,000 litres. Rs. 250
- (iv) exceeds 10,000 litres. Rs. 500."
- (c) in clause (E), for the letters and figures "Re. 1" the words "rupees five" shall be substituted ;

5. In the said rules, in rule 27, in sub-rule (1), for the portion.

"May with the permission of the Director be granted on payment of a fee.—

(a) When the total quantity allowed exceeds two quart bottles Rs. 25/—.

(b) When the total quantity allowed does not exceed two quart bottles of Re. 1" the following shall be substituted namely :—

"May with the permission of the Director be granted on payment of fee at the following rates when the total quantity allowed per month.

- (a) does not exceed 2,500 litres Rs. 25/—
- (b) exceeds 2,500 litres Rs. 100/—

6. In the said rules, in the proviso to rule 28, for the words, letters and figure, "a fee of fifty naye paise or Re. 1" the words "a fee of rupees two or rupees five" shall be substituted.

7. In the said rules, in rule 33,

(a) in clause (i), for the letters and figures "Rs. 150" the words "rupees three hundred" shall be substituted, (b) in clause (ii), for the letters and figures "Rs. 300" the words "rupees six hundred" shall be substituted ;

(c) in clause (iii), for the letters and figures "Rs. 500." the words "rupees one thousand" shall be substituted.

8. In the said rules, in rule 35, for the letters, words and figures "a fee of Rs 25", the words "a fee of rupees fifty" shall be substituted.

9. In the said rules, in Form D. S. I., in the preamble, for the letters, words and figures "a fee of Rs. 100" the words "a fee of rupees two hundred and fifty" shall be substituted.

10. In the said rules, in Form D S. VII, in the preamble, for the letters, words and figures "a fee of Rs. 25" the words "a fee of rupees fifty" shall be substituted.

SOCIAL WELFARE & TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/51/(A)-Opium/1081/29372/82/(xii)/M. (Sachivalaya, Gandhinagar, 26th October, 1982.—Whereas certain draft rules further to amend the Bombay Prohibition (Manufacture of Spirit) (Gujarat) Rules, 1963, were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) at page 120-18 of the Gujarat Government Gazette Extra Ordinary, Part IV-B dated 14th June 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/24/opium/1081/24641/(xiii)/M dated 14th June, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982 ; And whereas objections and suggestions received from the public on the said draft have been considered by the Government.

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Gujarat hereby makes the following rules further to amend the Bombay Prohibition (Manufacture of Spirit) Gujarat) Rules, 1963, namely :—

1. (1) These rules may be called the **Bombay Prohibition (Manufacture of spirit) (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Prohibition (Manufacture of Spirit) (Gujarat) Rules 1963 in rule-2, for the words, "a fee of Rupees one hundred" the words "a fee of Rupees two hundred fifty" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/52 (A)/Opium/1081/29372/(82)/(xlii)/M. (*Sachivalaya, Gandhinagar, 26th October, 1892*) —Whereas certain draft rules further to amend the Bombay Molasses Rules, 1955 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), at pages 120-19 to 120-20 of the Gujarat Government Gazette, Extra ordinary, part IV-B dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/25/opium/1081/24641' (XIV)/M dated 14th June, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982.

And, whereas objections and suggestions received from the public on the said draft have been considered by the Government.

Now therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949); the Government of Gujarat hereby makes the following rules further to amend the Bombay Molasses Rules, 1955 namely :—

1. (1) These rules may be called the **Bombay Molasses (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982.

2. In the Bombay Molasses Rules, 1955 (hereinafter referred to as "the said rules") in rule 3, in sub-rule (2), for the words "a fee of rupees fifty" the words "a fee of rupees two hundred and fifty" shall be substituted.

3. In the said rules, in rule 4, in sub rule (2)—

(a) in clause (i) for the letters and figure "Rs. 1" the words "rupees two" shall be substituted;

(b) in clause (ii). for the letters and figure "Rs. 1", the words, "rupees two" shall be substituted,

(c) in clause (iii) for the letters and figure "Rs. 1" the words "rupees two" shall be substituted ;

(d) in clause (iii), for the letters and figures "Rs. 25" the words "rupees fifty" shall be substituted.

4. In the said rules, in rule 5, in sub-rule (2) for the words, "a fee of rupees fifty" the words "a fee of rupees two hundred and fifty" shall be substituted ;

5. In the said rules, in rule 6, in sub-rule (2) for the words, "a fee of rupee one" the words "a fee of rupees five" shall be substituted.

6. In the said rules, in rule 13, in sub-rule (1), for the words, "a fee of rupee one" the words "a fee of rupees two" shall be substituted.

7. In the said rules, in rule 15, in sub-rule (1), for the words, "a fee of rupee one" the words "a fee of rupees two" shall be substituted.

8. In the said rules, in rule 19, in sub-rule (f), for the words, "a fee of rupee one" the words "a fee of rupees two" shall be substituted.

9. In the said rules, in form M—III—A, in item 7, for the letter, words and figure "a fee of Re 1" the words "a fee of rupees five" shall be substituted.

10. In the said rules, in Form M—IV, in the paragraph after item 7, for the words, "a fee of rupee one" the words "a fee of rupees two" shall be substituted.

11. In the said rules, in Form M—V in the paragraph after item 7, for the words "a fee of rupee one" the words "a fee of rupees two" shall be substituted.

SOCIAL WELFARE & TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/53(A)/Opium/1081/29372(82)(xiv)M— (*Sachivalaya, Gandhinagar, 26th October, 1982.* Whereas certain draft rules further to amend the Bombay Rectified Spirit Rules, 1951, were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949), at pages 120-21 /o 120-22 of the Gujrat Government Gazette, Extra-ordinary, Part IV—B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/26/opium-1081/24641-(xv)-M dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 20th July 1982;

AND, whereas objections and suggestions received from the public on the said draft have been considered by the Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Bombay Rectified Spirit Rules, 1951 namely :—

1. (1) These rules may be called the **Bombay Rectified Spirit (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November 1982.

2. In the Bombay Rectified Spirit Rules, 1951 (hereinafter referred to as "the said rules") in rule 5, in sub-rule (2),

(1) in clause (b),

(i) in item (ii), for the figures "25" the figures "50" shall be substituted;

(ii) in item (iii), for the figures "50" the figures "100" shall be substituted.

(iii) in item (iv), for figures "100" the figures "200" shall be substituted ;

(iv) in item (v), for the figures "200" the figures "350" shall be substituted ;

(v) in item (vi), for the figures “500” the figures “750” shall be substituted ;

(2) in the first proviso, for the words, letters and figures ““a fee of Re. 1” the words “a fee of rupees five” shall be substituted.

SOCIAL WELFARE & TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/54 (A)/Opium-1081/29372-(82)(xv)-M. *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Bombay Drugs (Control) (Gujarat) Rules, 1961, were published as required by sub-section (3) of section 40 of the Bombay Drugs (Control) Act, 1959 (Bom. XI of 1960), at pages 120-122, and 120-123 of the Gujarat Government Gazette, Extra-Ordinary Part IV-B, dated 14th June 1982 under Government Notification, Social Welfare and Tribal Department No. GH/L/27/opium-1081/24641-(xvi)-M, dated 14th June, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982 ;

And, whereas objections and suggestions received from the Public on the said draft have been considered by Government.

Now, Therefore, in exercise of the powers conferred by clause (g) sub-section (2) of section 40 of the Bombay Drugs (Control) Act, 1959 (Bom. XI of 1960), the Government of Gujarat hereby makes the following rules further to amend the Bombay Drugs (Control) (Gujarat) Rules, 1961 namely :—

1. (1) These rules may be called the **Bombay Drugs (Control) (Gujarat Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November, 1982 ;

2. In the Bombay Drugs (Control) (Gujarat) Rules, 1961 (hereinafter referred to as “the said rules”), in rule 4, for the words, figures, letters and brackets.

“on payment of a fee of

(1) Rs. 60 in the Ahmedabad City.

(2) Rs. 40 elsewhere”

the words “on payment of a fee of rupees fifty” shall be substituted.

3. In the said rules, in rule 8, for the words, figures, letters and brackets for the following :—

“on payment of a fee of—

(i) Rs. 30 in the city of Ahmedabad, and

(ii) Rs. 20 elsewhere.”

the words “on payment of a fee of rupees twenty five” shall be substituted

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No. GH/L/55(A)/Opium-1081/29372(82)(xvi). *Sachivalaya, Gandhinagar, 26th October, 1982.*—Whereas certain draft rules further to amend the Gujarat Denatured Spirituous Preparations Rules, 1982, were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) at pages 120-24 to 120-25 of the Gujarat Government Gazette, Extra-ordinary, Part IV-B, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department - No. GH/L/28/opium-1981-24641(i)-

(XVII)-M dated 14th June 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July 1982 ;

And Whereas objections and suggestions received from the public on the said draft have been considered by the Government ;

Now, Therefore, in exercise of the powers conferred by clause (u) of sub-section (2) of section 143 read with section 107 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Denatured Spirituous Preparations Rules, 1962, namely :—

1. (1) These rules may be called **the Gujarat Denatured Spirituous Preparation (Amendment) Rules, 1982.**

(2) They shall come into force on and with effect from 8th November 1982.

2. In the Gujarat Denatured Spirituous-Preparations Rules, 1962 (hereinafter referred to as "the said Rules" in rule 5, in sub-rule (3).

(1) for the clause (a), (b) and (c) the following shall be substituted;

"(a) does not exceed 500 litres Rs. 50

(b) exceeds 500 litres but does not exceed 10,000 litres. Rs. 100

(c) exceeds 2,500 litres but does not exceed 10,000 litres. Rs. 250

(d) exceeds 10,000 litres Rs. 500";

(2) In the proviso, for the letters, words and figures "a fee of Re 1" the words "a fee of rupees two" shall be substituted

3. In the said rules, in rule 17 in sub rule (3),

(i) in clause (b), for the figures "25" the figures "50" shall be substituted ;

(ii) in clause (c), for the figures "50" the figures "100" shall be substituted.

4. In the said rules, in rule 22,

(i) in clause (a) for the figures "50" the figures "100" shall be substituted ;

(ii) in clause (b), for the figures "100" the figures "200" shall be substituted ;

(iii) in clause (c), for the figures "250" the figures "500" shall be substituted.

5. In the said rules, in rule 24 for the letters, words, and figures "a fee of Rs. 25" the words "a fee of rupees fifty" shall be substituted.

6. In the said rules, in rule 35, after the words, letters, and figures "in Form D. S. P. 7" the words "on payment of a fee of rupees two" shall be inserted.

7. In the said rules, in rule 37, after the words, letters and figure "in form D. S. P. 8" the words "on payment of a fee of rupees two" shall be inserted.

8. In the said rules, in rule 42, after the words, letters and figure "in form D. S. P. 9" the words "on payment of a fee of rupees two" shall be inserted.

9. In the said rules, in Form D. S. P. 5" in the preamble, for the letters, words and figures "a fee of Rs. 25" the words "a fee of rupees fifty" shall be substituted.

SOCIAL WELFARE AND TRIBAL DEVELOPMENT DEPARTMENT

No GH/L/56(A) Opium/1081/29372(82)(xvii) M.—(*Sachivalaya, Gandhinagar, 26th October, 1982*) Whereas certain draft rules further to amend the Bombay Dangerous Drugs Rules, 1935 were published as required by sub-section 36 of the Dangerous Drugs Act, 1930 (II of 1930) at pages 83-1 ; 83-2 and 83-3 of the Gujarat Government Gazette Extraordinary, Part IV-A, dated 14th June, 1982 under Government Notification, Social Welfare and Tribal Development Department No. GH/L/13/opium/1081/24641-(ii)-M dated 14th June, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 29th July, 1982;

AND, whereas, objections and suggestions received from the public on the said draft have been considered by the Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 8 of the Dangerous Drugs Act, 1930, (II of 1930), the Government of Gujarat hereby makes the following rules, further to amend the Bombay Dangerous Drugs Rules, 1935 namely :—

1. (1) These rules may be called the **Bombay Dangerous Drugs (Gujarat Amendment) Rules, 1982**.

(2) They shall come into force on and with effect from 8th November, 1982

2. In the Bombay Dangerous Drugs Rules, 1935 (hereinafter referred to as “the said rules”), in rule 30 in sub-rule (2), the following shall be substituted, namely :—

“(2) A fee as shown below shall be charged in advance to the holders of a licence in Form D D. 1. or D. D. 2 :—

D. D. 1. Fee of Rs. 50 per annum.

D. D. 2 (1) Fee of Rs. 5 per annum when granted to an approved practitioner.

(ii) Fee of Rs. 25 per annum when granted to a chemist :

Provided that for the purpose of charging the fee the fraction of a year shall be reckoned as one complete year.”

3. In the said rules in rule 31, after the words, letters and figures “an authorization in Form D D 4 hereto annexed.” the words “on payment of a fee of rupee one” shall be inserted.

4. In the said rules, in rule 32 after the words, letters and figures “issue an export authorisation in Form D. D. 5 hereto annexed.” the words “on payment of a fee of rupee one” shall be added.

5. In the said rules, in rule 33, after the words, letters and figures “shall first obtain a transport authorization in form D. D. 6 hereto annexed” the words “on payment of a fee of rupee one” shall be inserted.

6. In the said rules, in rule 34, in sub-rule (1), after the words, letters and figure “The Collector may grant a special authorization in Form D D. 3 hereto annexed” the words “on payment of a fee of rupee one” shall be inserted.

7. In the preamble of the Form D. D. 3 appended to the said rules for the words “This authorization which is granted free of charge” the words “This authorization is granted on payment of a fee of rupee one”, shall be substituted.

Published in the Maharashtra Govt. Gazette Part IV-Ba,
dated December 23, 1982

FINANCE DEPARTMENT

No. MST./1082/CR-380/82/RES-9 *Mantralaya, Bombay 400 032,*
dated the 29th November 1982.—Whereas, the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action further to amend Sales of Motor Spirit Taxation Rules, 1958 (hereinafter referred to as "the said rules") and to dispense with the condition of previous publication of the rules under sub-section (4) of section 36 of the Bombay Sales of Motor Spirit Taxation Act, 1958 (Bom. LXVI of 1958), (hereinafter referred to as "the said Act");

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (2) of section 36 of the Bombay Sales of Motor Spirit Taxation Act, 1958 (Bom. LXVI of 1958), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Sales of Motor Spirit Taxation Rules, 1958, namely:—

1. (1) These rules may be called the **Bombay Sales of Motor Spirit Taxation (Amendment) Rules, 1982.**

(2) They shall come into force on the 1st day of December, 1982.

2. In rule 14 of the Bombay Sales of Motor Spirit Taxation Rules, 1958, in the Table—

(a) against entry I relating to "High Speed Diesel Oil", in column 2, for the words "Nine paise" the words "Ten paise", shall be substituted;

(b) against entry 2 relating to "Aviation Gasoline (Duty paid)", in column 2, for the words "Do" and "do", the words "Nine paise in the rupee of the sale price or the purchase price, as the case may be" shall be substituted;

(c) against entry 6 relating to "Any other kind of motor spirit," in column 2, for the words "Eleven paise" the words "Twelve paise" shall be substituted.

Published in the Maharashtra Govt. Gazette, Part IV-Aa,
dated December 23, 1982

REVENUE AND FORESTS DEPARTMENT

No. SWM/1081/114157/(A)F-6. *Mantralaya, Bombay 400 032,*
dated the 19th November 1982.—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Forest Rules, 1942, namely:—

(1) These rules may be called the **Bombay Forest (Second Amendment) Rules, 1982.**

(2) In rule 88 of the Bombay Forest Rules, 1942, in sub-rule (1), in clause (a), for the words "superintendence, direction and control" the words "general control", shall be substituted

REVENUE AND FORESTS DEPARTMENT

No. SWM/1081/114157/(B)F.6.—*Mantralaya, Bombay 400 032, dated the 19th November 1982*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, namely:—

(1) These rules may be called the **Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) (Second Amendment) Rules, 1982**.

(2) In rule 23 of the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, in sub-rule (1), in clause (a), for the words "superintendence, direction and control" the words "general control", shall be substituted.

REVENUE AND FORESTS DEPARTMENT

No. SWM/1081/114157/(C)F6.—*Mantralaya, Bombay 400 032, dated the 19th November 1982*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, namely:—

(1) These rules may be called the **Hyderabad Transit of Forest Produce (Bombay) (Second Amendment) Rules, 1982**.

(2) In rule 23 of the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, in sub-rule (1), in clause (a), for the words "superintendence, direction and control" the words "general control" shall be substituted.

Published in the Gujarat Government Gazette, Part IV-B, No. 52, dated December 30, 1982.

HOME DEPARTMENT

No. GH/G/82/429(A)/MTA-1381-5252-E-2. (*Sachhalaya, Gandhinagar, 19th November, 1982*).—Whereas the draft rules further to amend the Bombay Motor Vehicles Tax Rules, 1959 were published as required by sub-section (1) of Section 23 of the Bombay Motor Vehicles Tax Act, 1958 (Bombay LXV of 1958) at pages 193-1 to 193-2 of the Gujarat Government Gazette, Extra-Ordinary Part IV-B dated 26th September, 1982, under the Government Notification, Home Department, No. GH/G/82/339/MTA-1381/5262-E-2, dated 20th September, 1982, inviting objections and suggestions from all persons likely to be affected thereby. And whereas no objections and suggestions have been received from the public on the said draft notification by Government

Now, therefore, in exercise of the powers conferred by clauses (b) and (c) of sub-section (2) of section 23 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Tax Rules, 1959, namely—

1. These rules may be called, **the Bombay Motor Vehicles Tax (Gujarat Amendment) Rules, 1982**

2. In the Bombay Motor Vehicles Tax Rules, 1959 (hereinafter referred to as "the said rules") in sub-rule (2) after the words "as the case may be" the following words shall be added, namely:—

"by making an endorsement in the certificate of taxation to that effect"

3. In the said rules for FORM "TT" the following shall be substituted, namely,—

"FORM TT"

The Certificate of Taxation Registration mark of the motor vehicle

Annual rate of Tax.....

Quarterly rate of tax.....Taxation class.....

Amount paid and the period for which the tax has been paid	Period for which non-use has been certified	Amount and number of refund order issued and period for which refund is granted	Date, stamp and signature of the taxation authority
1	2	3	4

FINANCE DEPARTMENT

No. (GHN-140) (A) SSA-1082/2999-S. 21 (1)/TH 1. *Sachivalaya, Gandhinagar, 24th November, 1982.*—Whereas certain draft rules, further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Rules, 1978, were published as required by Sub-section (3) of section 21 of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977, (Guj. 24 of 1977), at page 219-219-2 of the Gujarat Government Gazette Extraordinary Part-IV-B dated 18th October, 1982, under Government Notification, Finance Department, No (GHN-122)/SSA-1082/2999-S-21 (1)-TH-1 dated 18th October, 1982 inviting objections and suggestions till 20th November, 1982 from all person likely to be affected thereby :

And whereas no objections and suggestions have been received from the public.

Now therefore, in exercise of the powers conferred by Section-21 of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (Guj. 24 of 1977) the Government of Gujarat hereby makes the following rules further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Rules, 1978, namely:—

1. These rules may be called **the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Rules, 1982.**

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Rules, 1978, in rule 8, for the word "Home Department" where they occur at two places, the words "Finance Department" shall be substituted.

Published in the Gujarat Government Gazette, Part, IV-C, No. 52,
dated December 30, 1982.

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

No. CH-HC-118-C.3003/74.—In exercise of the powers conferred by sub-section (2) of section 304 of the Code of Criminal Procedure, 1973, (Act 2 of 1974), read with Government Notification, Legal Department, No. GK/82/17/CRC-1981/GOI-II-D, dated April 23, 1982, the Honourable the Chief Justice and Judges are pleased to make, with the previous approval of the Government of Gujarat the following amendments in the "Gujarat Legal Aid to accused at State Expenses Rules, 1976" contained in Paragraph 126 at pages 48 to 50 of the Criminal Manual, 1977 as made applicable to the Courts in the State of Gujarat :—

I

In rule 2 replace the last fulstop () by comma (,) and add the following words :

"and the Court of Metropolitan Magistrate, the Court of Chief Judicial Magistrate, and Judicial Magistrate, First Class."

II.

In sub-rule (ii) of rule 3 add the following proviso :—

"Provided that so far as the cases before the Metropolitan Magistrate, Chief Judicial Magistrate, and Judicial Magistrate, First Class, are concerned, Pleader shall not be assigned for defence of the accused at the expenses of the State in respect of economic offences, offences relating to law prohibiting prostitution or child abuse and such other offences in respect of which the court trying is of the opinion that social justice requires that a pleader need not be assigned for defence of the accused at the expenses of the State."

III

In sub-rule (i) of rule 4 after words, "or the District and Sessions Judge", and before the words, "as the case may be" add the following words :—

"Chief Metropolitan Magistrate, Chief Judicial Magistrate or Civil Judge (Junior Division) and Judicial Magistrate, First Class, who is the Principal Judge in the Taluka Head Quarters."

IV

In sub-rule (i) of rule 4 remove last fulstop (.) and add the following words :—

"or at the Taluka Head Quarters, as the case may be".

Date : December 1, 1982.

Published in the Maharashtra Government Gazette, Extraordinary,
Part IV (Ba), dated January 25, 1983.

FINANCE DEPARTMENT

No. STR. 1083/CR-9/83/RES-7. *Mantralaya, Bombay 400632, dated the 25th January 1983.*—In exercise of the powers conferred by clause (XXV) of sub-section (2) of section 74 read with the second proviso to sub-section (4) of section 38 of the Bombay Sales Tax Act, 1959, (Bom. LI of 1959), and of all other powers enabling it in that behalf, Government of Maharashtra hereby makes the following rules further to amend the Bombay Sales Tax Rules, 1959*, the same having

been previously published as required by sub-section (4) of the said section 74, namely :—

1. These rules may be called the Bombay Sales Tax (Amendment) Rules, 1983.

2. In rule 31-B of the Bombay Sales Tax Rules, 1959,—

(i) for the words “tax payable on sales”, wherever they appear, the following words and figures shall be substituted, namely :—

“purchase tax payable on purchases of raw materials as mentioned in *Explanation II* to this rule and sales tax payable on sales of finished goods”;

(ii) the words “restricted to the tax payable on goods” shall be deleted ;

(iii) in condition (4), the words “subject to such conditions” shall be deleted ;

(iv) after condition (4), the following conditions and Explanations shall be added, namely :—

“(5) The eligible Industrial Unit shall maintain separate books of account in respect of the transactions pertaining to the sales and purchases made by the said Industrial Unit

(6) The eligible Industrial Unit shall file returns covering all the sales and purchases relating to the said Unit for the period and by the dates prescribed by these rules, only with the concerned Sales Tax Officer mentioned in the Certificate of Entitlement to be issued by the Commissioner in this behalf.

(7) The eligible Industrial Unit shall not file consolidated return covering the sales and purchases pertaining to the deferment of tax by the said Unit alongwith other transactions of sales and purchases not covered by the Eligibility Certificate granted to the said Unit.

(8) No authorisation and/or permit shall be obtained by the eligible Industrial Unit where the Unit has no additional place or places of business. Where, however, the Unit has an additional place or places of business and such Unit has obtained authorisation and/or permit in regard to activities not pertaining to the eligible Industrial Unit it shall not use the authorisation or permit for making any purchases for the purposes of the business and activities pertaining to the said eligible Industrial Unit.

(9) The purchase tax and the sales tax which is deferred under the provisions of this rule shall be immediately recoverable at any time prior to the expiry of the period of deferment in any one or more of the following circumstances, namely :—

(a) If the State Industrial and Investment Corporation of Maharashtra Limited or the Regional Development Corporation which issues the Eligibility Certificate for reasons to be recorded in writing a copy of which shall be forwarded to the Commissioner, requires the eligible Industrial Unit to pay forthwith such amount as may be determined by the concerned implementing agency, on the said Unit contravening any of the provisions of the Package Scheme of Incentives or the conditions of the Eligibility Certificate, or the stipulations or undertaking as per the agreement made in connection with the grant of incentives under the said Package Scheme of Incentives, or on the Eligibility Certificate being

cancelled or revoked by the implementing agency ;

(b) If the eligible Industrial Unit contravenes any of the provisions of the Act or the Rules made thereunder ;

(c) If the eligible Industrial Unit fails to use the goods in accordance with the terms of the declaration in FORM N-15 ;

(d) If the Certificate of Entitlement issued by the Commissioner is cancelled or revoked.

(10) The Commissioner shall issue a Certificate of Entitlement for availing the benefit of deferment of the Sales tax and purchase tax payable by the eligible Industrial Unit on the basis of the Eligibility Certificate issued by the State Industrial and Investment Corporation of Maharashtra Limited or the Regional Development Corporation being the implementing agency for the said Package of Scheme of Incentives of Government.

(11) The Certificate of Entitlement issued by the Commissioner shall be liable to be cancelled or revoked in the following circumstances, namely :—

(a) The Eligibility Certificate issued by the implementing agency being cancelled or revoked.

(b) The eligible Industrial Unit contravenes any of the provisions of the Act or Rules made thereunder.

Explanation I.—'Eligible Industrial Unit' means an Industrial Unit eligible to draw the sales tax incentive by way of deferment pursuant to the Eligibility Certificate issued by the State Industrial and Investment Corporation of Maharashtra Limited or the concerned Regional Development Corporation under the Package Scheme of Incentives of the Government as may be in force from time to time and to whom the Certificate of Entitlement is granted by the Commissioner under the above provisions with effect from such date as may be specified therein.

Explanation II.—'Raw Materials' include components, intermediate goods, substances, consumable stores and packing materials which are utilised by the eligible Industrial Unit in the process of manufacture and packing of finished good."

Published in the Maharashtra Government Gazette, Extra ordinary, Part IV, Ba, dated February 1, 1983.

FINANCE DEPARTMENT

NO. STR-1083/CR-14/RES-7 (Mantrolaya, Bombay 400 032, dated the 1st February 1983.—Whereas, the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action further to amend the Bombay Sales Tax Rules, 1959 (hereinafter referred to as "the said rules") and to dispense with the condition of previous publication thereof under sub-section (4) of section 74 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), (hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by clause (x) of sub-section (2) read with proviso to sub-section (4) of section 74 of the said Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the said rules, namely :—

1. These rules may be called the **Bombay Sales Tax (Second Amendment), Rules, 1983.**

2. In rule 22 of the Bombay Sales Tax Rules, 1959,—

(a) in sub-rule (1), in sub-clause (ii), for the words, brackets, letter and figure, “a monthly return under clause (d) of sub-rule (2)” the following shall be substituted, namely :—

“a monthly return under clause (d) or (e) of sub-rule (2)” ;

(b) in sub-rule (2), after clause (d), the following clause shall be added, namely :—

“(e) A Registered dealer who is ordinarily liable to furnish quarterly returns, and who is not required to furnish monthly return under clause (d), shall also furnish, for the quarter immediately following the quarter in which the 31st December occurs, returns for the months of that quarter except the last month of that quarter. Such monthly return shall be furnished within 21 days from the last day of the month to which the return relates.”

Published in the Maharashtra Government Gazette, Extraordinary, Part IV Aa, dated January 31, 1983.

HOME DEPARTMENT

No. MVR, 0182/660-TRA-2 Mantralaya, Bombay 4000 032, dated the 31st January 1983.—In exercise of the powers conferred by section 111A of the Motor Vehicles Act, 1939 (IV of 1939), and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (*Amendment) Rules, 1983.**

2. In rule 306 of the Bombay Motor Vehicles Rules, 1959 after sub-rules (2), the following shall be added, namely :—

“(3) Where any lump-sum deposited with the Tribunal is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman or such person during his disability in such manner as the Tribunal may direct, and where a quarterly payment is payable to any person under the legal disability, the Tribunal, may of its own motion or on any application made to it in this behalf, order that the payment be made during the disability of the person concerned, to any dependent of the injured or heir of the deceased or to any other person whom the Tribunal thinks best fitted to provide for the welfare of the injured or the heir of the deceased.

(4) Where an application made to the Tribunal in this behalf or otherwise, the Tribunal is satisfied that on account of the neglect of the children on the part of the parents or on account of the variation of the circumstances of any dependent or for any other sufficient cause, an order of the Tribunal as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Tribunal may make such orders for the variation of the former order as it thinks just in the circumstance of the case.”

Published in the Gujarat Government Gazette, Part IV-B, No. 6, dated 10th February, 1983.

FINANCE DEPARTMENT

No. (GHN-152)(A) GSR-1082/(35)/TH. *Sachivalya, Gandhinagar, 27th December, 1982.*—Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to amend the Gujarat Sales Tax Rules, 1970 and to dispense with the Previous publication thereof ;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) read with the proviso to sub-section (4) of section 86 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970,) the Government of Gujarat hereby dispenses with the condition of previous publication and makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, namely:—

1. These rules may be called the Gujarat Sales Tax (Third Amendment) Rules, 1982.

2. In the Gujarat Sales Tax Rules, 1970, in rule 2, in clause (h), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that when the accounting year which is other than the financial year, consists of an omitted month whether known by name of *Kshava Mas* or by any other name, the particular quarter comprised of such omitted month shall consist of two months;”

Published in the Maharashtra Government Gazette, Extraordinary, Part IV-Ba, dated 7th February 1983.

CO-OPERATION DEPARTMENT

No. GHKH/23 (A)/82CSR-1262/S-(1)—(*Sachivalaya Gandhinagar, 6th December, 1982.*)—Whereas certain draft rules further to amend the Gujarat Specified Cooperative Societies Elections to Committees Rules, 1982 were published as required by Sub-section (3) of Section 168 read with Sub-section (4) of Section 145 U and Section 145 Y of the Gujarat Cooperative Societies Act, 1961 (Guj X of 1962) at pages 185-1 to 185-3 of the Government of Gujarat Gazette, Part IV-B Extra-Ordinary, dated the 14th September, 1982 under Government Notification, Co-operation Department No. CHKH-181/82-CSR-1 282/S-6(1) dated the 8th September, 1982 inviting objections and suggestions from all persons likely to be affected thereby till the 7th October, 1981;

And whereas no objections and suggestions were received by the Government;

Now, therefore, in exercise of the powers conferred by Section 168 read with sub-section (4) of Section 145 U and Section 145 Y of the Gujarat Co-operative Societies Act, 1961 (Guj X of 1962), the Government of Gujarat hereby makes the following rules further to amend the Gujarat specified Co-operative Societies Elections to Committees Rules, 1982, namely:—

1. The rules may be called the Gujarat Specified Cooperative Societies Elections to Committees (Amendment) Rules, 1982.

2. In the Gujarat specified Cooperative Societies Elections to Committees Rules, 1982 (hereinafter referred to as “the said rules”) in

rule 74 for the word "Government" the word "Tribunal" shall be substituted.

3. In the said rules, in rules 75, in sub rule (2) for the word "Government" the word "Tribunal" shall be substituted.

4. In the said rules, in rule 77, in sub-rule (1), for the word "Government" wherever it occurs, the words "Tribunal" shall be substituted.

5. In the rules, in rule 78 for the word "Government" occurring at two places, the word "Tribunal" shall be substituted.

6. In the said rules, in rule 79, in the proviso to sub-rule (1), for the word "Government" the word "Tribunal" shall be substituted.

7. In the said rules, in rule 80, for the word "Government" occurring at two places the word "Tribunal" shall be substituted.

8. In the said rules, in rules 81, for the word "Government" wherever it occurs the word "Tribunal" shall be substituted.

9. In the said rule in rule 82, for the word "Government" wherever it occurs the word "Tribunal" shall be substituted.

10. In the said rules, in the rule 83, for the word "Government" occurring at two places, the word "Tribunal" shall be substituted,

11. In the said rules, in rule 84, for the word "Government" the word "Tribunal" shall be substituted.

12. In the said rules, in rule 85 in sub-rule (1) for the word "Government" occurring at two places, the word "Tribunal" shall be substituted.

13. In the said rules, in rule 86, for the word "Government" the word "Tribunal" shall be substituted.

14. In the said rules, in rule 87, for the word "Government" wherever it occurs the word "Tribunal" shall be substituted.

15. In the said rules, in rule 88, for the word "Government" wherever it occurs the words "Tribunal" shall be substituted.

16. In the said rules, in rule 89, for the words "amount as the Government" the words "amount as the Tribunal," shall be substituted.

17. In the said rules, in rule 90 for the word "Government" the word "Tribunal" shall be substituted.

18. In the said rules, in rule 91, for the word "Government" the word "Tribunal" shall be substituted.

19. In the said rules, in rule 92, for the word "Government" wherever it occurs, the word "Tribunal" shall be substituted.

Published in the Maharashtra Government Gazette, Extra ordinary, Part IV-Ba, dated 7th February, 1983.

AGRICULTURE AND CO-OPERATION DEPARTMENT

NO. EDX. 1481/39909/CR 262/12-ADE (*Mantralaya Annexe, Bombay 400032, dated the 7th February, 1983*)—In exercise of powers conferred by sub-sections (1) and (2) of section 25 of the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981), and of all other powers enabling it in that behalf, Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-section (3) of the said section 25, namely :—

RULES

1. *Short title and commencement.*—(1) These rules may be called the **Maharashtra Marine Fishing Regulation Rules, 1982.**

(2) They shall come into force on and from the 7th day of February 1983.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981);

(c) “Form” means a form appended to these rules;

(e) “Licence” means a licence for using a fishing vessel for fishing;

(f) “Section” means a section of the Act;

(g) words and expressions used in these rules, but not defined herein, shall have the meanings respectively assigned to them in the Act.

3. *Form of application for licence.*—(1) Every application for the grant or renewal of a licence shall be made in Form 1.

(2) Every application for the renewal of a licence shall be made at least two months before the period of validity of the licence to be renewed is due to expire.

4. *Fees for licences.*—(1) The fees for the grant or renewal of a licence shall be payable in accordance with the following scale, namely :—

Class of fishing vessel	Fees
(i) Mechanized fishing vessel fitted with an engine having the horse-power exceeding 50 HP.	One hundred rupees.
(ii) Mechanized fishing vessel fitted with an engine having the horse-power not exceeding 50 HP.	Fifty rupees.
(iii) Non-mechanized fishing vessel having the gross registered tonnage exceeding 3 tons.	Twenty rupees.
(iv) Non-mechanized fishing vessel having the gross registered tonnage not exceeding 3 tons.	Ten rupees.

(2) The fee for a licence shall be payable in cash or by demand draft in favour of the Licensing Officer to whom the application for the grant or renewal of a licence is made.

(3) The fee for a licence once paid shall not be refunded to the applicant save as provided in sub-rule (4) of rule 5.

5. *Grant of licence.*—(1) Every licence shall be granted in Form 2 and shall be subject to the conditions specified therein.

(2) No licence shall be granted or renewed in respect of any fishing vessel unless such vessel, whether mechanized or not, has been duly insured against marine risks and the life of every member of the crew of such vessel has been insured against the risks of accident while working on the vessel, through any agency approved by the State Government.

(3) The Licensing Officer shall enter the particulars of the licence granted or renewed by him in a register of licences in Form 3.

(4) Where the application for the grant or renewal of a licence is refused, the reasons for such refusal shall be communicated by the Licensing Officer in writing to the applicant. Where the order refusing the grant or renewal of a licence has become final, half the fees paid by the applicant for the grant or renewal of the licence shall be refunded to him.

6. *Form of application for registration of fishing vessel*—Every application for registration of fishing vessel under section 9 shall be made in Form 4 and shall be duly signed by the applicant.

7. *Fees for registration of fishing vessel*—(1) The fees for registration of a fishing vessels under section 9 shall be payable in accordance with the following scale, namely :—

Class of fishing vessel	Fees
(i) Mechanised fishing vessel ...	... Ten rupees.
(ii) Non-Mechanised fishing vessel	... Ten rupees.

(2) The fee for registration once paid shall not be refunded to the applicant in any case.

8. *Registration*.—(1) On receipt of an application for registration under section 9, the Registration Officer shall, after making such enquiry as he deems necessary, register the fishing vessel or refuse to register it by an order, in writing, giving grounds for such refusal.

(2) The certificate of registration shall be in Form 5.

(3) The Registration Officer shall maintain a register in Form 6 and enter therein the particulars of every fishing vessel registered by him.

(4) On registration of a fishing vessel, the registration number shall be assigned to it by the Registration Officer. The owner of registered fishing vessel shall display registration number prominently on his fishing vessel.

9. *Inspection of Certificate of registration, issue of duplicate certificate of registration, etc.*—The owner of every registered fishing vessel shall carry the certificate of registration at all times on his fishing vessel and shall produce it for inspection whenever any officer authorised by the Registration Officer in that behalf required it to be produced for inspection. The loss, damage, or mutilation, as the case may be, of the certificate or registration shall be reported forthwith, by the owner of the fishing vessel to the Registration Officer who shall issue duplicate certificate on payment of a fee of rupees five and on satisfying about the loss, damage or mutilation, as the case may be, of the said certificate.

10. *Changes in the certificate of registration*.—If the particulars mentioned in the certificate of registration are required to be changed the owner of the fishing vessel, shall apply to the Registration Officer to make the changes in the certificate of registration. Such application shall be made in Form 7 as soon as possible after the change is made and in any case within one month from the making of such change.

On receipt of such application, the Registration Officer shall, after making such enquiries as he may deem necessary, effect necessary changes in the certificate of registration by affixing his signature, seal and date of such change. The changes thus made shall also be recorded in the register maintained in Form 6.

11. Recording of charge on the vessel on the registration certificate.—If the owner of a registered fishing vessel mortgages or hypothecates such vessel to the financing agency or any other person or purchases the vessel on hire purchase agreement or takes or gives the vessel on hire, or otherwise creates any charge on such vessels, he shall furnish the information of creation of such charge to the Registration Officer within seven days from the creation of such charge. On receiving such information, the Registration Officer shall record such charge in the certificate of registration and in the register maintained by him in Form 6.

12. Impoundment of Fishing Vessel.—A fishing vessel impounded by the Enforcement Officer under section 14 shall be kept anchored at the base port of licence or any other port as may be directed by the Enforcement Officer,

13. Disposal of fish.—The fish seized from an impounded fishing vessel shall be kept suitably preserved to the extent practicable. If the preservation facilities are not available or such facilities are inadequate or if the Enforcement Officer is of the opinion that the fish so seized cannot be further preserved, he shall dispose it of by auction, and deposit the proceeds thereof in cash in the office of the Adjudicating Officer by obtaining his instructions in writing.

14. Manner of holding enquiry under section 16 by Adjudicating Officer—(1) On receipt of a report from the Enforcement Officer under sub-section (1) of section 16, the Adjudicating Officer shall issue a notice to the persons against whom any allegations are made in the report informing them the nature of allegations made and directing them to file a written statement or objections against the said allegations and to appear before him on a specified day at a specified time for being heard in the matter.

(2) The Adjudicating Officer shall, after considering the written statements and objections, if any, and after going through the evidence produced before him and also after giving the persons concerned a reasonable opportunity of being heard, record his findings in writing at the end of holding such enquiry.

FORM 1

[See rule 3(1)]

Application for grant/renewal of licence for using fishing vessel for fishing in the specified area.

To

The Assistant Fisheries Development Officer/Licensing Officer,
.....(District).....

I/we hereby request that a licence for using the fishing vessel the particulars whereof are given below for fishing in the specified areas mentioned below may be granted to me/us under section 6 of the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981).

1. Name(s) and address(es) of the owner(s) of fishing vessel.
2. Registration number and base port of the fishing vessel.
3. Name of the fishing vessel
4. If mechanised, the HP of the engine
5. Whether previously licensed, if so, the number of previous licence, and the date of expiry
6. Period of the licence applied for.
7. Base port from which the fishing vessel is proposed to be employed.
8. Type of fishing gear proposed to be employed.
9. Area of operation where the fishing will be carried out.
10. Names of the trained crew and their qualifications.
11. Whether the vessel is insured against marine risks.
12. If so, the name of the Insurance Company and the date of policy or premium receipt and the period of validity of the insurance.
13. Whether risk of the crew is covered against the accident at sea.
14. If so, the names of the men constituting the crew and the particulars of their Accident Insurance
15. Licence fees paid, particulars of payment.
16. Whether the vessel carries two band transister radio and if so; particulars of the radio.

I/we hereby declare that I/we have understood the provisions of the Maharashtra Marine Fishing Regulation Act, 1981, and the rules made thereunder and that I/we shall abide by the terms and conditions of the licence if granted.

Signature of the owners
of the fishing vessel

Date :

For Office use only

The application received on.....
Licence fees Rs.....received on.....
Licence No.....granted on.....
for the period from.....to.....

FORM-2

[See rule 5 (1)]

Licence for using fishing vessel for fishing in any specified area.

Port District Licence No.
Date of Issue Period of Licence : From.....
to Amount of fees paid

This licence for using a fishing vessel for fishing in the sea within the specified areas, namely

(here describe the specified areas)

is hereby granted to.....

[here mention the name (s) of owners of fishing vessel]

.....for the fishing vessel.....

.....bearing registration number.....

for operating from the Base Port.....

2. The licences shall not contravene any of the provisions of the

Maharashtra Marine Fishing Regulation Act, 1981 or the rules or the orders made or which may be made thereunder.

3. This licence is valid for operation from the port of..... for the period specified above, unless suspended revoked or cancelled before the expiry of the said period under section 8 of the aforementioned Act. and is subject to the conditions mentioned below, namely:—

(1) the fishing vessel shall be operated only within the specified area for which the licence is granted.

(2) any change in the layout, design or capacity of the vessel should be effected only with the prior approval of the Licensing Officer.

(3) any change in the type of fishing gear licensed shall be effected only with the prior approval of the Licensing Officer.

(4) It shall be competent for the Licensing Officer or the Enforcement Officer or any officer authorised by him to enter the fishing vessel for the purpose of inspection, whether in the waters or on shore.

(5) the licence is liable to be cancelled if the vessel is impounded or confiscated for illegal activities or default under any Central or State Act for the time being in force or if the vessel is not duly insured, and the insurance not kept effective.

(6) the fishing vessel and every member of the crew shall be duly insured against the marine risk and accidents as required under sub-rule (2) of rule 5 of the Maharashtra Marine Fishing Regulation Rules, 1982.

(7) Every fishing vessel while going on sea, for fishing should carry two band transister radio with it.

Seal of the
Licensing Officer.

Signature and Designation
of the Licensing Officer.

FORM-3

[See rule 5 (3)]

Register of Licences issued under section 6 of the Maharashtra Marine Fishing Regulation Act 1981.

(Oommitted)

FORM-4

[See rule (6)]

Form of application for registratton of fishing vessel

To

The Registration Officer,
(District)

I/we hereby request that my/our fishing vessel, the particulars which are given below, may be registered under the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981).

(1) Name(s) and address(es) of the Owner(s) of fishing vessel.

(2) Name of the fishing vessel.

(3) Previous registration number and port of registration, if any.

- (4) Dimensions of the vessel. Overall.....m.
length.
Keel—
Length
Length.....m.
Breadth.....m.
Depth.....m.
- (5) Place and year of construction of the fishing vessel
- (6) Whether mechanised or non-mechanised.
- (7) If mechanised, the details of the engine fitted. Make.....
Power.....HP
Year of
installation.
of engine.
- (8) Base Port from which the fishing vessel shall be operated.
- (9) Particulars about the mortgage or hypothecation, or any other charge on the fishing vessel.
- (10) Particulars of registration fees paid.

I am/we are aware that in the event of change of the base port of operation, I/we shall have to obtain prior permission in writing from the Registration Officer, and the failure to do so shall constitute an offence liable to be penalised under section 21 of the aforementioned Act,

The information given above is true and correct to the best of my/our knowledge. I/we agree to abide by the terms and conditions of the registration and the relevant provisions of the aforementioned Act.

Place :

Date :

Signature(s) of
the applicant(s)

(For Office use only)

Application received on
Registration fee Rs.
Registration No.

received on
Allotted on

FORM-5

[See rule 8(2)]

*Certificate of registration of fishing vessel under the Maharashtra
Marine Fishing Regulation Act, 1981.*

(Omitted)

FORM-6

[See Rule 8(3)]

*Register of fishing vessels registered under section 9 of the Maharashtra
Marine Fishing Regulation Act, 1981.*

(Omitted)

FORM-7

[See Rules No. 10 and 11]

Application for change of particulars in the certificate of registration issued under the Maharashtra Marine Fishing Regulation Act, 1981.
Registration Number of the fishing vessel.

Change of particulars requested.

Item No.	previous particulars	Proposed Particulars
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I/we request that the change in the particulars as mentioned above may be accepted and incorporated in the Certificate of Registration of the said vessel.

Place :

Signature of the owner of the registered fishing vessel

Date :

Signature of the new owner of the registered fishing vessel (if the change of ownership is proposed).

Published in the Gujarat Government Gazette, Part IV-B, No. 6, dated 10th February, 1983.

REVENUE DEPARTMENT

No. GHM-82(A)-279-M-LTA-1082/157509-Y. *Sachivalaya, Gandhinagar, 7th December, 1982.*—Whereas certain draft rules to amend the Gujarat Land Revenue Rules, 1972, were published as required by Sub-section (3) of Section 214 of the Bombay Land Revenue Code, 1979 (Bom. V of 1879 (Bom. V of 1879) at pages 236-3 of the Gujarat Government Gazette, Extra Ordinary, Part IV-B, dated 11th November, 1982 under the Government Notification No. GHM-82/252/M/LTA-1082/Y, dated 11th November, 1982 inviting objections and suggestions from all persons likely to be affected thereby till 30th November, 1982.

And whereas no objections or suggestions are received from the public on the said draft by the Government till the aforesaid date.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Land Revenue Rules, 1972, namely:—

1. These rules may be called the **Gujarat Land Revenue (Amendment) Rules, 1982.**

2. In the Gujarat Land Revenue Rules, 1972 (hereinafter referred to as “the said rules”), after rule 79, the following shall be inserted, namely:—

“79A. *Period for filing an application.*—(1) An application for compensation under clause (a) of sub-section (5) of section 69A of the Act shall be made on or before 31st December, 1984.

(2) Application for compensation under clause (d) of sub-section (5) of section 69A of the Act shall be made in form L-I”.

3. In the said rules, after form L, the following form shall be added, namely:—

FORM-L-I
(See rule 79A)

An application for compensation under clause (a) of sub-section (5) of section 69A of the Bombay Land Revenue Code, 1879.

To
The Collector,
.....District

1. Full name and address of the applicant.

2. Whether mineral rights of the sole owner are abolished or such rights of the other co-sharers are abolished (in case there are co-sharers, give the names of each sharer and his share in interest).

	Year.	Income received
3. Net annual income received from mines & minerals during the three years immediately preceding the date of vesting i.e. 1-5-1960.	(1) 1-5-57 to 1-5-58	(1) Rs.
	(2) 1-5-58 to 1-5-59	(2) Rs.
	(3) 1-5-59 to 1-5-60	(3) Rs.

4. Short details about mineral rights exercised i.e. Survey No. & area of land from which income derived and nature of minerals excavated three years preceding the appointed day.

5. Amount of compensation claimed under sub-section (4) of section 69A.

6. Details about mineral rights vesting in the Government.

(a) Survey No. area and other details of the land.

(b) Amount of compensation claimed.

(c) Remarks.

7. List of documents supporting the claim made in respect of items mentioned above.

(a)

(b)

(c)

(d)

(e)

etc.

Yours faithfully,

Date :

Place :

(Signature of the applicant)

REVENUE DEPARTMENT

No. GHM-82(A)-280-M-LTA-1082/127509-Y, (Sachiyalaya, Gandhinagar, 7th December, 1982. Whereas certain draft rules were published as required by Sub-section (3) of section 15 of the Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949) at Pages 236-4 to 236-6 of the Gujarat Government Gazette, Extra-Ordinary, Part IV B, dated 11th November 1982 under the Government Notification, No. GHM-82-253-M-LTA-1082-Y, dated 11th November, 1982 inviting objections and suggestions from all persons from all persons likely to be affected thereby, till 30th November, 1982.

And whereas no objection or suggestions are received from the public on the said draft by the Government till the aforesaid date.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 15 of the Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949) the Government of Gujarat hereby makes the following rules, namely:—

1. *Short Title*—These rules may be called the Bombay Taluqdari Tenure Abolition (Payment of compensation for Abolition of Mineral Rights) Rules, 1982.

2. *Definition*.—In these rules, unless there is anything repugnant in the subject or context—

(1) "Act" means the Bombay Taluqdari Tenure Abolition Act, 1949.

(2) "Form" means a form appended to these rules.

(3) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. *Form of application for compensation*.—An application for compensation under Sub-section (3) of section 14A of the Act shall be made in form A.

4. *Period for filling an application for compensation for abolition of mineral right*.—An application for compensation under sub-section (3) of section 14A of the Act shall be made on or before the 31st December, 1914

FORM-A

(see rule 3)

An application for compensation under clause (3) of section 14A of the Bombay Taluqdari Tenure Abolition Act, 1949.

To

The Collector,
.....District,

1. Full name & address of the applicant,

2. Whether mineral rights of the sole owner are abolished or such rights of the other co-sharer are abolished (in case there are co-sharer give the names of each sharer and his share in interest).

	Year	Income received
3. Net annual income received from mines & minerals during the three years immediately preceding the date of vesting, i.e. 1-8-50.	(1) 15-8-47 to 15-8-48	(1) Rs.
	(2) 15-8-48 to 15-8-49	(2) Rs.
	(3) 15-8-49 to 15-8-50	(3) Rs.

4. Short detail about mineral rights exercised, i.e. Survey No. & area of land from which income derived and nature of minerals excavated three years preceding the appointed day.

5. Amount of compensation claimed under section 14A.

6. Details about grass land/mineral land vesting in the Government.

(a) Survey No., area & other details of the property.

(b) Assessment on appointed day.

(c) Amount of compensation claimed.

(d) Remarks.

7. List of documents supporting the claim made in respect of items mentioned above.

(a)

(b)

(c)

(d)
(e)

Yours faithfully,

Date :

Place :

(Signature of the applicant)

REVENUE DEPARTMENT

No. GHM-82 (A)-281-M-LTA-1082-157509-Y. *Sachivalaya, Gandhinagar, 7th December, 1982.*—Whereas certain draft rules were published as required by section 19 of the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953) at pages 236-6 to 236-9 of the Gujarat Government Gazette, Extra Ordinary, Part IV-, dated 11th November, 1982 under Govt. Notification, No. GHM-82-254-M-LTA-1082-Y, dated 11th November, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 30th November, 1982.

And whereas no objections or suggestions are received from the public on the said draft by the Government till the aforesaid date.

Now, therefore, in exercise of the powers conferred by Section 19 of the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953), the Government of Gujarat hereby makes the following rules, namely :—

1. *Short Title.*—These rules may be called the **Bombay Personal Inams Abolition (Payment of Compensation for Abolition of Mineral Rights) Rules, 1982.**

2. *Definition.*—In these rules, unless there is anything repugnant in the subject or context,

(1) "Act" means the Bombay Personal Inams Abolition Act, 1952.

(2) "Form" means a form appended to these rules.

(3) Words and expressions used but not defined in these rule shall have the meaning assigned to them in the Act.

3. *Form of application for compensation.*—An application for compensation under sub-section (3) of section 17AA shall be made in form A.

4. *Period for filing an application for compensation for abolition of mineral rights.*—An application for compensation under sub-section (3) of section 17AA shall be made on or before the 31st December, 1984.

FORM—A

(See rule 3)

An application for compensation under section 17AA of the Bombay Personal Inams Abolition Act, 1952.

To

The Collector,
..... District,

1. Full name & address of applicant,

2. Whether mineral rights of the sale owner are abolished or such rights of the other co-shares are abolished (in case there are co-sharer give the names of each sharer and his sharer in interest).

3. Net annual Income received from mines & minerals during the three years immediately preceding the date of vesting i.e. 1-8-53.

	Year	Income received
(1)	1-8-50	(1) Rs. to 1-8-51
(2)	1-8-51	(2) Rs. to 1-8-52
(3)	1-8-52	(3) Rs. to 1-8-53

4. Short detail about mineral rights exercised, i.e. Survey No. & area of land from which income derived and nature of minerals excavated three years preceding the appointed day.

5. Amount of compensation claimed under section 17AA.

6. Details about grass land/mineral land vesting in Government.

(a) Survey No. & area and other details of the property.

(b) Assessment on appointed day.

(c) Amount of compensation claimed.

(d) Remarks.

7. List of documents supporting the claim made in respect of items mentioned above.

(a)

(b)

(c)

(d)

(e)

etc.

Date :

Yours faithfully,

Place :

(Signature of the applicant).

REVENUE DEPARTMENT

No. GHM-82(A)/282/M/LTA/1082/157509/Y. *Sachtralaya, Gandhinagar, 7th December, 1982.*—Whereas certain draft rules were published as required by section 25 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954) at pages 236-9 to 236-12 of the Gujarat Government Gazette, Extra Ordinary, Part IV-B, dated 11th November, 1982 under the Govt. Notification, No. GHM-82/255/M/LTA/1082/Y, dated 11th November, 1982, inviting objections and suggestions from all persons likely to be affected thereby till 30th November, 1982.

And whereas no objections or suggestions are received from the public on the said draft by the Government till the aforesaid date.

Now, therefore, in exercise of the powers conferred by Section 25 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954), the Government of Gujarat hereby makes the following rules, namely:—

1. *Short Title*:—These rules may be called the **Bombay Merged Territories and Areas (Jagirs Abolition) (Payment of Compensation for Abolition of Mineral rights) Rules, 1982.**

2. *Definition*:—In these rules, unless there is anything repugnant in the subject or context—

(1) "Act" means the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

(2) "Form" means a form appended to these rules.

(3) Words and expressions used but not defined in these rules shall have the meaning assignment to them in the Act.

3. *Form of application for compensation*:—An application for compensation under sub-section (3) of section 21 A of the Act shall be made in the form A.

4. *Period for filing an application for compensation for abolition of mineral rights*:—An application for compensation under sub-section (3) of Section 21A of the Act shall be made on or before the 31st December, 1984.

FORM—A

(See rule 3)

An application for compensation under Section 21A of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

To

The Collector,

.....District,

1. Full name & address of the applicant.

2. Whether mineral rights of the sole owner are abolished or such rights of the other co-sharers are abolished (in case there are co-sharers, give the names of each sharer and his share in Interest).

	Year	Income received.
3. Net annual income received from	(1) 1.8.51	(1) Rs.
mines & minerals during the three years to	1.8.52	
immediately preceding the date of vesting,	(2) 1.8.52	(2) Rs.
i. e. 1.8.54.	to 1.8.85	
	(3) 1.8.53	(3) Rs.
	to 1.8.54	

4. Short detail about mineral rights exercised, i. e. Survey No. & area of land from which income derived and nature of minerals excavated three years preceding the appointed day.

5. Amount of compensation claimed under section 21A.

6. Details about grass land/mineral land vesting in Government.

(a) Survey No., area & other details of the property.

(b) Assessment on appointed day.

(c) Amount of compensation claimed.

(d) Remarks.

7. List of documents supporting the claim made in respect of items mentioned above.

(a)

(b)

(c)

(d)

(e)

etc.

Date :

Place :

Yours faithfully,
(Signature of the applicant)

REVENUE DEPARTMENT

No GHM/82(A)/283/M/LTA/1082/157509/Y. (*Sachtvalaya, Gandhinagar, 7th December, 1982.*)—Whereas certain draft rules were published as required by Section 29 of the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bombay XXII of 1955) at pages 236-12 to 336-15 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated 11th November, 1982 under the Govt. Notification, No : GHM/82/246/M/LTA/1082/Y, dated 11th November, 1982, inviting objections and suggestions from all persons likely to be affected hereby till 30th November, 1982.

And whereas no objections or suggestions are received from the public on the said draft by the Government till the aforesaid date.

Now, therefore, in exercise of the powers conferred by Section 29 of the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bombay XXII of 1955), the Government of Gujarat hereby makes the following rules, namely :—

1. *Short title.*—These rules may be called the **Bombay Merged Territories Miscellaneous Alienations Abolition (Payment of Compensation for Abolition of Mineral Rights) Rules, 1982.**

2. *Definition.* :—In these rules, unless there is anything repugnant in the subject or context,—

(1) “Act” means the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955;

(2) “Form” means a form appended to these rules;

(3) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. *Form of application for compensation.*—An application for compensation under sub-section (3) of section 24A of the Act shall be made in form A

4. *Period for filing an application for compensation for abolition of mineral rights.* :—An application for compensation for abolition of mineral rights—An application for compensation under sub-section (3) of Section 24A of the Act shall be made on or before the 31st December, 1984

FORM—A

(See rule 3)

An application for compensation under Section 24A of the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955

To

The Collector,

..... District,

.....

1. Full name and address of the applicant.

2. Whether mineral rights of the sole owner are abolished or such rights of the other co-sharers are abolished (in case there are co-sharers give the names of each sharer and his share in interest).

3. Net annual income received from mines and minerals during the three years

Year	Income received
(1) 1-8-52	(1) Rs.
to 1-8-53	

immediately preceding the date of vesting (2) 1-8-53 (2) Rs.
i.e. 1-8-55. to 1-8-54

(3) 1-8-54 (3) Rs.
to 1-8-55

4. Short detail about mineral rights exercised i.e Survey No. and area of land from which Income derived and nature of minerals excavated three years preceding the appointed day.

5. Amount of compensation claimed under section 24A.

6. Details about grass land/mineral land vesting in Government.

(a) Survey No., area and other details of the property.

(b) Assessment on appointed day.

(c) Amount of compensation claimed.

(d) Remarks.

7. List of documents supporting the claim made in respect of items mentioned above.

(a)

(b)

(c)

(d)

(e)

etc.

Yours faithfully,
(Signature of the applicant).

Date :

Place :

Published in the Gujarat Government Gazette, Part IV-B, dated 9th December, 1982.

PORTS AND FISHERIES DEPARTMENT

No. GH/B-36/A /82/GMB/1482/GH (Sachivalaya, Gandhinagar, 30th October, 1982.—In exercise of the powers conferred by section 113 read with sub-section (1) of section 110 of the Gujarat Maritime Board Act, 1981 (Guj. 30 of 1981), the Government of Gujarat hereby makes the following Regulations, namely:—

1. *Short title.*—These regulations may be called the Gujarat Maritime Board (Procedure for meetings of the Board and its committees) Regulations, 1982

CHAPTER I

Preliminary

2. *Definitions.*—(1) In these regulations, unless the context otherwise requires:—

(a) the “Act” means the Gujarat Maritime Board Act, 1981.

(b) “clear days” means days exclusive of the day of issue of a notice of intimation and of the day of meeting ;

(c) “resolutions” means a proposal made to evoke action on the part of the Board and it includes an amendment of resolution

(d) “section” means a section of the Act ;

(e) “Chief Executive Officer” means the Chief Executive Officer appointed under section 17 ;

(f) “Presiding authority” means the person presiding over the meeting of the Board ;

(2) The words and expressions used but not defined in these regulations shall have the meaning assigned to them in the Act

CHAPTER II

Meetings of the Board

3. *Date, time and place of meetings.*—The Board shall ordinarily meet, once in a month or whenever necessary as may be decided by the Board. The Board shall meet on such date, time and at the head quarter of the Board or at such other place as may be fixed by the Chairman or Vice-Chairman with the approval of the Chairman or as may be fixed in the previous meetings of the Board.

4. *Special Meeting.*—The Chairman, may, if he thinks fit and shall, on receipt of a written requisition from the majority of the members, call a special meeting and fix the date, time and place for the special meeting.

5. *Notice of meeting.*—(1) The Chief Executive Officer, shall give atleast ten clear days' notice of every ordinary meeting to all the members stating the date, time and place of and the business to be transacted at such meeting. The period of notice may be waived if the date, time and place of ensuing meeting has already been fixed at the previous meeting or if the Chairman considers it necessary to hold a meeting for the transaction of any emergent business. In case of special meetings, five clear days' notice shall be given to all the members.

(2) Non receipt of notice of meeting by any member shall not by reason of such omission, invalidate the proceedings of or any resolution passed at such meeting.

6. *Mode of delivery of notice.*—Every notice of the meeting, when date is not fixed at the previous meetings, shall be sent to the members by ordinary post under certificate of posting or by hand delivery.

7. *Agenda of the Meeting.*—(1) A copy of the agenda (with notes, if any) shall be circulated to all members of the Board, before the date fixed for the meeting, except where a meeting has been called by the Chairman or the transaction of emergent business.

(2) The papers connected with the items of agenda shall be made available if required at the time of meeting.

(3) Notwithstanding anything contained in sub-regulation (1) any matter not included in the agenda of the meeting of the Board, on which decision of the Board is urgently required, may with the approval of the Chairman be placed before the Board at such meeting and the Board may consider such matter.

(4) Any member desiring to ask any information relating to any of the items of the agenda of the meeting or any other point concerning the affairs of the Board, shall give adequate notice to enable the Chief Executive Officer, to collect the necessary information.

8. *Presiding Authority of meeting.*—Where a member other than the Chairman or Vice Chairman is presiding at the meeting and if the Chairman or Vice Chairman attends at any time during the course of such meeting, the member so presiding over the meeting, shall vacate the chair and the meeting shall continue under the Chairmanship of the Chairman, or as the case may be, the Vice Chairman.

9. *Quorum.*—(1) The quorum necessary for the transaction of the business at a meeting of the Board shall be one half of the total

number of the members of the Board including the Chairman.

(2) If at any time during the course of a meeting it is brought to the notice of the Chairman or Presiding Authority that the number of members present inclusive of the presiding authority falls short of the number required for quorum, the Presiding Authority shall, if there be no quorum after waiting for a period of not less than thirty minutes adjourned the meeting to some other day, fixing such time and place as he thinks convenient and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or at any subsequent adjournment thereof even if there be quorum thereat or not.

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed of at the previous meeting.

10. *Adjournment of Meeting.*—(1) If within thirty minutes from the time appointed for a meeting there be no quorum, the meeting shall, if called upon the requisition of members, be dissolved and in any other case unless all the members present agree to wait longer, the Presiding Authority shall adjourn the meeting to such hour on the same day or some other day as he may reasonably fix and the business which would have been brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof.

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed of at the previous meeting.

(2) A meeting may with the consent of the majority of members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the previous meeting, shall be announced at the meeting before it is adjourned and no separate notice shall be necessary.

11. *Order of business at a meeting.*—The items of business at a meeting of the Board shall generally be shown in the following orders, names :—

- (i) Confirmation of the minutes of the previous meeting.
- (ii) Reports of action taken on the decision at the previous meeting ;
- (iii) Matters relating to urgent official business brought forward by the Chairman or Vice Chairman ;
- (iv) Any resolution regarding change of agenda.
- (v) Resolutions.
- (vi) Statement of receipts and expenditure
- (vii) Progress Report
- (viii) Items such as budget, plans, programmes and audit reports.
- (ix) Any matter which the State Government or any other officer authorised by the State Government in this behalf may require the Board to consider;

(x) Any other matter which may be brought up at the meeting with the permission of the Chairman or Presiding Authority.

12. *Ordinary business to be transacted according to agenda.*—Except with the permission of Presiding Authority :—

(a) no business which is not entered in the Agenda, shall be transacted at any meeting.

(b) The business to be transacted at any meeting shall be taken up in the order in which it is entered in the Agenda :

Provided that in granting permission for priority for transacting any business, the decision of presiding authority shall be final.

13. *Conduct of members during meeting.*—(1) A member who desires to make any observation on any matter before the meeting, shall be called upon by the Presiding Authority, address his remark to the Presiding Authority.

(2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the Chairman to be irrelevant or offensive.

14. *Moving of Resolutions.*—(1) A member who wishes to move any resolution, shall send a notice of such resolution together with a brief covering note setting out therein the reasons in support of Resolution to the Chief Executive Officer, at least ten days in advance of the meeting, so as to enable the Chief Executive Officer to include the resolution in the agenda :

Provided that the Chairman may at his discretion, allow such resolution to be moved in a meeting though the notice of the resolution is not received in time for inclusion in the Agenda.

(2) Any resolution on which the decision of the Board is urgently required may be circulated to the members and if it is approved by majority of members of the Board it shall be deemed to have passed as a resolution at a meeting of the Board duly convened. Such decision shall be placed before the next meeting of the Board for ratification.

15. *Resolution to be voted on conclusion of debate.*—(1) The Presiding Authority may on the conclusion of a debate on a resolution or at any time when the Presiding Authority is satisfied that the resolution has been sufficiently discussed, put the same to the vote of the meeting. Against all resolution passed at a meeting, a remark shall be made in the minutes of the meeting as 'passed by majority' or as 'passed unanimously' as the case may be.

(2) (i) When there are one or more amendments to a resolution, the Presiding Authority shall first put to vote the amendment or amendments one by one.

(ii) If all amendments are lost, the Chairman or the Presiding Authority shall put the Resolution to vote.

(iii) If any amendment or amendments are carried, the Presiding Authority shall put to vote the resolution incorporating the amendment or amendments which have been carried together.

(iv) The Presiding Authority may group together the amendments which are substantially the same.

(3) The resolution with or without an amendment or amendments as finally carried under sub-regulation (2) shall be considered to be the decision of the Board.

16. *Manner of taking votes.*—(1) The votes shall be taken by raising of hands but if the majority of members present so decide, the votes shall be taken by ballot.

(2) Any member present at a meeting may refrain from voting if he so chooses.

(3) Every question to be voted shall be first put to vote for ascertaining the number of members who are in favour of the question and subsequently for ascertaining the number of members who are against the question.

17. *Procedure for leaving meeting*.—A member who wishes to leave the meeting before its closure shall, immediately before leaving intimate his intention to the Chairman or the Presiding Authority.

18. *Recording of signing of minutes of a Meeting*.—(a) The decision reached in the meeting shall be recorded and compiled with by the chief Executive Officer in an appropriate manner.

(b) The Chief Executive Officer shall keep and maintain a minute book which shall contain the names of the members and officers of the Board present at a meeting, the minutes duly signed by the Presiding Authority of such meeting and confirmed by the Board. Each page of the minute book compiled in the register shall be initiated or signed by the Chief Executive Officer in a top corner of each page after it is passed. A copy of the approved minutes shall be sent to the Chairman and all other members and State Government and any other concerned authority which the Chief Executive Officer may think fit, within seven days after its approval. The minutes book shall be open to inspection at all reasonable times by any member of the Board and the authorised representative of the State Government. The minute book shall be kept in the safe custody of the Chief Executive Officer.

(c) No decision of the Board shall be modified or cancelled within three months after passing thereof except by decision of two thirds of the number of member present.

19. *Confirmation of minutes of previous meeting*.—The minutes of the proceedings of the preceding meeting previously circulated shall be taken as read unless the majority of the members present request that such minutes be read before it is confirmed by the Board.

20. *Corrections of errors in the minutes*.—If any member present draws the attention of the presiding authority of the previous meetings to any portion of the minutes of the proceedings of the previous meetings as being erroneously entered in the minutes, such amendment as such presiding authority deems proper shall be made before the minutes are confirmed by the Board.

CHAPTER III Meetings of Committees

21. *Chairman of Committee and notice of meetings of Committees*.—The Chairman of a Committee appointed by the Boards shall be the convener. Three clear days notice of an ordinary meeting and one day's notice of a special meetings shall be given.

22. *Manner of Service of Notice*.—The manner of service of notice of meeting of the committee shall be the same as that for the meeting of the Board.

23. *All members to be present at meeting*.—No business shall be transacted at any meeting of the committee unless all members of the committee are present.

24. *Rules of procedure*.—The procedure for the meeting of the Board shall generally apply mutatis mutandis to the meetings of committees.

25. *Record.*—A written record of the proceedings of every meeting of the committee shall be kept and maintained by the Chief Executive Officer.

26. *Proceedings of meeting to be signed.*—All the members of the committee shall affix their signatures to the record of the proceedings of the meetings of the committee.

27. *Maintenance of record of proceeding.*—The Chief Executive Officer shall maintain the record of proceedings of each meeting.

28. *Proceedings to be placed before the Board of the committee and Government.*—The proceedings of every meeting of the committee shall be placed before the Board at its next meeting and also to the Government thereunder.

29. *Date, time and place of the meetings.*—The meetings of the Committee shall normally be held at the Office of the Board unless the members of the Committee unanimously decides to meet elsewhere. The committee shall meet on such date and at such time as may be unanimously decided by the members of the Committee.

Published in the Maharashtra Government Gazette, Part IV-ka, dated December 13, 1982.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY

No. P. 1630/57.—In exercise of the powers conferred by sub-section (2) of section 304 of the Code of Criminal Procedure, 1973 (II of 1974) and with the previous approval of the Government of Maharashtra, the Honourable the Chief Justice and Judges of the High Court of Judicature at Bombay are pleased to make the following rules,—

1. *Short title and commencement.*—(1) These rules may be called “the Legal Aid to unrepresented accused person in cases before the Court of Sessions Rules, 1982.”

(2) These rules shall come into force with effect from 27th October, 1982.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Court” means Court of Sessions established under the Code of Criminal Procedure, 1973 (II of 1974) ;

(b) “Indigent person” means a person who in the opinion of the Court has no means to engage a Legal Practitioner of his own for the defence of his Sessions Case or appeal before the Court of Sessions.

(c) “Legal Aid” means Legal Aid given to an unrepresented accused person in all or any of the following modes, namely :—

(i) payment of Court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any proceedings before the Sessions Court.

(ii) representation by a Legal Practitioner in proceedings before the Sessions Court ;

(iii) supply of certified copies of judgements, orders, notes of evidence and other documents in proceedings before the Sessions Court ;

(iv) drafting of legal documents ;

(d) “unrepresented accused person” means an indigent person who in the opinion of the Court has no means to engage a Legal Practitioner of his own for the conduct of his case before a Sessions Court.

Explanations.—A person whose gross income from all sources does not exceed Rs. 5,000 per annum or such amount as Government may prescribe from time to time shall ordinarily be considered to be a person who has no means to engage a Legal Practitioner.

3. *Availability of Legal Aid.*—The Legal Aid shall be given to—

(a) every unrepresented accused person entitled to such aid in a case before a Sessions Court ;

(b) a person who is in incommunicado condition or to an indigent person entitled to recover maintenance allowance under section 125 of the Code of Criminal Procedure, 1973 (II of 1974) ;

(c) an indigent person who desires to defend a proceeding before the Sessions Court :

Provided that, no Legal Aid under these rules shall be given in cases involving economic offences or offences against social laws such as the Protection of Civil Rights Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956 or child abuse.

4. *Duty of the Court.*—(1) The Presiding Officer of the Court shall explain to every unrepresented accused person, the provisions of the rules of Legal Aid as soon as he is produced before him for the first time and shall certify under his signature the fact of having done so in the record of the case to that effect. After explaining to such unrepresented accused person the provisions of the Rules if the said unrepresented accused person states that his income does not exceed Rs. 5,000 per annum, he shall be asked if he desires to submit an application in the form specified in the Schedule appended to these Rules.

(2) The Presiding Officer shall ascertain whether the unrepresented accused person desires of having of free legal assistance.

(3) No unrepresented person shall be compelled to avail of free legal assistance against his wish.

(4) The Presiding Officer of the Court shall, at the time of awarding sentence of imprisonment or imprisonment in default of payment of fine, acquaint the convict of his right of appeal and the right to get the Legal Aid for preferring an appeal.

5. *Authority to decide capacity of person to engage a Legal Practitioner.*—(1) Every Presiding Officer of the Court is authorised to certify or report whether the person applying for Legal Aid is not able to engage a Legal Practitioner at his own cost.

(2) Every application for Legal Aid shall be made to the Court before which the proceeding is to be instituted or pending as the case may be, and shall be in the form specified in the Schedule appended to these Rules. No Court fee shall be payable on such application.

6. *Panel of Legal Practitioners for Legal Aid*—(a) The appointment of a Legal Practitioner for the unrepresented accused person under these Rules shall be made from a panel of Legal Practitioners constituted for each Court by the Presiding officer of the Court in consultation with the President and the Office Bearers of the Bar Association, if, any. Where there is no Bar Association, the Presiding Officer shall draw up the panel in consultation with the Senior Advocates, Senior Advocates of the Bar and the junior members of the Bar having at least a standing

of five years as practising lawyer. In every case where an offence is punishable with sentence of death or imprisonment for 7 years or more a Senior Advocate with a Junior Advocate from the panel shall be appointed for defending the unrepresented accused. As far as possible the Presiding Officer shall not make an appointment from outside the panel but he may do so for any exceptional reason to be recorded in writing.

(b) Notwithstanding anything to the contrary, in a case pending on the date of commencement of these Rules against an unrepresented accused person an application in that behalf to the Court, the Legal Practitioner engaged by him shall be deemed to be the Legal Practitioner appointed by the Court under these Rules and shall be paid fees admissible under these Rules.

7. Constitution of Panel of Legal Practitioners.—(1) The panel shall be constituted normally for every two years from the 1st day of January onwards or according to the convenience of the Presiding Officer of the Court.

Provided that, a Legal Practitioner shall continue in a case, for which he is appointed till its completion if the case is not closed in the year.

(2) Every person included in the panel shall express in writing to the Presiding Officer of the Court his willingness to serve on the panel and thereupon such persons shall accept appointment in any case and appear in Court when so appointed.

(3) Any person in the panel may tender his resignation in writing to the authority constituting the panel.

(4) Any vacancy in the panel caused by resignation or otherwise may be filled up by the Presiding Officer of the Court from the Legal Practitioners practising in the Sessions Court but the term of the person so appointed will expire on the date of coinciding with the period for which the said panel is constituted.

(5) If any Advocate after having agreed to serve on a panel neglects or refuses to accept an appointment, he shall forthwith cease to be a member of the panel and shall be debarred from being re-appointed on the panel. If an Advocate refuses or neglects an appointment his name shall be reported by the Presiding Officer of the Court to the Bar Council of Maharashtra.

(6) If any Legal Practitioner after accepting an appointment, neglects or refuses to discharge his duties properly, the authority which sanctioned the appointment shall remove the Legal Practitioner and appoint another in his place. Such removal will entail the consequences mentioned in sub-rule (5).

(7) Any person serving on a panel shall be eligible for reappointment.

(8) Cases in which Legal Aid is sanctioned, as far as may be, distributed among the members of the panel equitably.

8. Cancellation of Legal Aid.—The Court may either on its own motion or otherwise cancel the Legal Aid granted to an unrepresented persons in the following circumstances, namely :—

- (a) If the Legal Aid was obtained by misrepresentation or fraud;
- (b) If the aided person does not co-operate with the Legal Practitioner assigned by the Court ;
- (c) If the aided person engages a Legal Practitioner other than the one assigned by the Court.

9. *Facilities to the Practitioners.*—The Presiding Officer of the Court shall provide the Legal Practitioner or Practitioners appointed on behalf of the unrepresented accused person such facilities as would be necessary for the conduct of the case such as hold interviews tendering advice and supplying certified copies of judgments, orders, notes of evidence and other documents free of charge.

10. *Fees payable to Legal Practitioners on the Panel.*—(1) The Senior Legal Practitioners appearing for the unrepresented accused shall work as amicus curiae and shall not be entitled to any fees.

(2) The Junior Legal Practitioner appearing for the unrepresented accused shall be paid the following fees :—

In a sessions case or appeal before the City Civil and Sessions Court at Bombay,—

(a) the Legal Practitioner on the panel shall be paid Rs. 75 per day of effective hearing subject to a maximum of Rs. 450 in any one case ;

(b) In a Sessions case or appeal before any other Sessions Court, the fees shall be Rs. 50 per day of effective hearing subject to a maximum of Rs. 300 in any one case ;

(c) In cases where the Senior Legal Practitioner certifies that the Junior Legal Practitioner assisting him in the case deserves enhanced fees, on account of the number of days involved, special labour put in and the marked industry and ability displayed by him, the Junior Legal Practitioner shall be entitled to such enhanced fees as the remembrance of Legal Affairs may sanction on the recommendation of the Court.

11. *Recovery of Fees.*—In case of cancellation of Legal Aid on the ground of misrepresentation or fraud, fees paid to the Legal Practitioner shall at the discretion of the Court be recovered from the person to whom the aid is given as arrears of Land Revenue.

12. *Disbursement of fees.*—(1) Every bill of fees and other expenses incurred shall be submitted by the pleader appointed in the case for the counter-signature of Member-Secretary of the Maharashtra State Legal Aid and Advice Board, Bombay through the Court appointing him.

(2) The Bill shall be accompanied by the order authorising such pleader to appear in the case, together with certificate from the Court concerned as prescribed in Rule 13.

(3) If the Member-Secretary of the Board is satisfied that the Bill is in order, he shall countersign it and return it to the Pleader concerned, who shall then present it at the treasury for payment.

(4) The amount of every such Bill shall be debited to the provision made for the purpose so far as pleaders in Greater Bombay and in mofussil are concerned under the budget head "214-Administration of Justice-in-Legal Advisers and Counsel-m (iii) Legal Aid and Advice Board-(4)-Payment for professional and special service".

13. *Certificate.*—The Certificate to be submitted to the Court shall contain the following details :—

- (a) the number of days on which actual work is done;
- (b) the duration of work for each day ;
- (c) statement that the Legal Practitioner has not received any fees from the unrepresented accused person or from any other source;
- (d) the fee payable to him as per these rules

14. *Legal Practitioner not to receive any fee from party.*—The Legal Practitioner to whom fee is due or paid under these Rules shall not be entitled to nor shall he receive, any fee from the party or from any other source.

15. *Saving.*—Notwithstanding anything contained in these Rules it shall be competent for the Government to issue from time to time any direction or instruction with a view to implementing the scheme for Legal Aid to the unrepresented accused person having regard to the special circumstances of any case.

SCHEDULE

(See rules 4 and 5)

Form of Application for Legal Aid.

1. Name of the Court.
2. Number of Sessions Case/Appeal.
3. Name, description and place of residence of the applicant
4. Average monthly income of the applicant from all sources.

I/we am/are the.....
in..... No noted above
my/our average monthly income from all sources is Rs.
I/we/am/are not in a position to engage a Legal Practitioner of my/our
own in the above..... I/we, therefore, pray that
the Court may be pleased to appoint a Legal Practitioner for me/us in
the above.....

The above statements are true to the best of my personal knowledge and belief.

Signature of applicant/s

Forwarded to..... for enquiry and
report..... before

Presiding Officer.

High Court, Appellate Side.
Bombay, 19th October 1982

G. B. TERDALKAR,
Additional Registrar.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY

No. P. 1630/57—In exercise of the powers conferred by sub-section (2) of section 304 of the Code of Criminal Procedure, 1973 (II of 1974) and with the previous previoial of the Government of Maharashtra, the Honourable the Chief Justice and Judges of the High Court of Judicature at Bombay are pleased to make the following rules, namely :—

1. *Short title and commencement* — (1) These rules may be called “the Legal Aid to unrepresented accused persons in Criminal Cases other than those before the Court of Sessions Rules, 1982”

(2) These rules shall come into force with effect from 27th October 1982.

2. *Definitions.*—(a) “Court” means a Criminal Court other than a Court of Sessions established under the Code of Criminal Procedure, 1973 (II of 1974) or Court exercising criminal jurisdiction under any law for the time being in force;

(b) “Indigent Person” means a person who in the opinion of the Court has no means to engage a Legal Practitioner of his own for the defence of his criminal case;

(c) “Legal Aid” means Legal Aid given to an unrepresented accused person in all or any of the following modes, namely;—

(i) payment of Court fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any criminal proceedings;

(ii) representation by a legal practitioner in criminal proceedings;

(iii) supply of certified copies of judgements, orders, notes of evidence and other documents in criminal proceedings;

(iv) drafting of legal documents;

(d) “unrepresented accused person” means an indigent accused person who is not represented by a pleader and who in the opinion of the Court has no means to engage a Legal Practitioner of his own for the conduct of his case before a Court

Explanation.—A person whose gross annual income from all sources does not exceed Rs. 5,000 or such amount as Government may prescribe from time to time shall ordinarily be considered to be a person who has no means to engage a Legal Practitioner.

3. *Availability of Legal Aid*—The Legal Aid shall be given to—

(a) every unrepresented accused person entitled to such aid in a case before a Criminal Court;

(b) a person who is in incommunicado condition or an indigent person entitled to recover maintenance allowance under section 125 of the Code of Criminal Procedure, 1973 (II of 1974);

(c) an indigent person who desires to defend a criminal proceeding;

Provided that, no Legal Aid under these Rules shall be given in cases involving economic offences or offences against social laws such as the Protection of Civil Rights Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956 or child abuse.

4. *Duty of the Court.*—(1) The Presiding officer of the Court shall explain to every unrepresented accused person, the provisions of the Rules of Legal Aid as soon as he is produced before him for the first time and shall certify under his signature the fact of having done so in the record of the case to that effect. After explaining to such unrepresented accused person the provisions of the Rules, if the said unrepresented accused person states that his income does not exceed Rs. 5,000 per annum, he shall be asked if he desires to submit an application in the Form specified in the Schedule appended to these Rules.

(2) The Presiding Officer shall ascertain whether the unrepresented accused person is desirous of free legal assistance

(3) No unrepresented person shall be compelled to avail of free legal assistance against his will.

(4) The Presiding Officer of the Court shall, at the time of awarding sentence of imprisonment or imprisonment in default of payment of fine, acquaint the convict of his right of appeal and the right to get the Legal Aid for preferring an appeal.

5. *Authority to decide capacity of person to engage Legal Practitioner.*—(1) Every Presiding Officer of the Court is authorised to certify or report whether the person applying for Legal Aid is not able to engage a Legal Practitioner at his own cost.

(2) Every application for Legal Aid shall be made to the Court before which the proceeding is to be instituted or pending, as the case may be, and shall be in the Form specified in the Schedule appended to these rules. No Court-fee shall be payable on such application.

6. *Panel of Legal Practitioners for Legal Aid.*—(a) The appointment of a Legal Practitioner for the unrepresented accused person under these rules shall be made from a Panel of Legal Practitioners constituted for each Court by the Presiding Officer of the Court in consultation with the President and the Office Bearers of the Bar Association, if any. Where there is no Bar Association Presiding Officer shall draw up the panel in consultation with the Senior Advocates of the concerned Bar. The panel may include the President of the Bar Association, Senior Advocates of the Bar and the junior members of the Bar having at least a standing of three years as practising lawyer in every case where an offence is punishable with the sentence of imprisonment for two years or more, a Senior Advocate with a Junior Advocate from the panel shall be appointed for defending the unrepresented accused. As far as possible, the Presiding Officer shall not make an appointment from outside the panel but he may do so for any exceptional reason to be recorded in writing.

(b) Notwithstanding anything to the contrary, in a case pending on the date of commencement of these Rules against an unrepresented accused person, on application in that behalf to the Court, the Legal Practitioner engaged by him shall be deemed to be the Legal Practitioner appointed by the Court under these Rules and shall be paid fees admissible under these rules.

7. *Constitution of Panel of Legal Practitioners.*—(1) The panel shall be constituted normally for every two years from the 1st day of January onwards or according to the convenience of the Presiding Officer of the Court and a copy thereof will be sent to the District and Sessions Judge by him.

Provided that, a Legal Practitioner shall continue in a case, for which he is appointed, till its completion if the case is not closed in that year.

(2) Every person included in the panel shall express in writing to the Presiding Officer of the Court his willingness to serve on the panel and thereupon such person shall accept appointment in any case and appear in Court when so appointed.

(3) Any person in the panel may tender his resignation in writing to the authority constituting the panel.

(4) Any vacancy in the panel caused by resignation or otherwise may be filled up by the Presiding Officer of the Court from the Legal Practitioners practising in the Court but the term of the person so appointed will expire on the date coinciding with the period for which the said panel is constituted.

(5) If any Advocate after having agreed to serve on a panel neglects or refuses to accept an appointment, he shall forthwith cease to be a member of the panel and shall be debarred from being reappointed on the panel. If an Advocate refuses or neglects an appointment, his name shall be reported by the Presiding Officer of the Court to the Bar Council of Maharashtra.

(6) If any Legal Practitioner after accepting an appointment, neglects or refuses to discharge his duties properly, the authority which sanctioned the appointment shall remove the Legal Practitioner and appoint another in his place. Such removal will entail the consequence mentioned in sub-rule (5).

(7) Any person serving on a panel shall be eligible for reappointment.

(8) Cases in which Legal Aid is sanctioned, as far as may be, distributed among the members of the panel equitably.

8 *Cancellation of Legal Aid*—The Court may either on its own motion or otherwise cancel the Legal Aid granted to an unrepresented person in the following circumstances, namely :—

- (a) If the Legal Aid was obtained by misrepresentation or fraud;
- (b) If the aided person does not co-operate with the Legal Practitioner assigned by the Court;
- (c) If the aided person engages a Legal Practitioner other than one assigned by the Court.

9 *Facilities to the Legal Practitioners*.—The Presiding Officer of the Court shall provide the Legal Practitioner or practitioners engaged on behalf of the unrepresented accused person such facilities as would be necessary for the conduct of the case such as holding interviews, tendering advice and supplying certified copies of judgments, orders, notes of evidence and other documents free of charge.

10. *Fees payable to Legal Practitioners on the Panel*.—(1) The Senior Legal Practitioners appearing for the unrepresented accused shall work as *amici curiæ* and shall not be entitled to any fees

(2) The Junior Legal Practitioner appearing for the unrepresented accused shall be paid the following fees :—

(a) in all legal proceedings in Courts at the headquarters of the Districts and in the Courts of Metropolitan Magistrate in Greater Bombay, Rs 50 per day of effective hearing, subject to a maximum of Rs. 300 in any one case;

(b) in all legal proceedings in Courts in Taluka places other than Greater Bombay and Talukas having headquarters at District places, Rs 25 per day of effective hearing, subject to a maximum of Rs 200 in any one case;

(c) in cases where the Senior Legal Practitioner certifies that the Junior Legal Practitioner assisting him in the case deserves enhanced fees, on account of the number of days involved, special labour put in

and the marked industry and ability displayed by him, the Junior Legal Practitioner may be paid such enhanced fees as the Remembrancer of Legal Affairs may sanction on the recommendation of the Court.

11. *Recovery of Fees*—In case of cancellation of Legal Aid on the ground of misrepresentation or fraud, fees paid to the Legal Practitioner shall at the discretion of the Court be recovered from the person to whom the aid is given as arrears of Land Revenue.

12. *Disbursement of fees*.—(1) Every bill of fees and other expenses incurred shall be submitted by the pleader appointed in the case for the counter signature of the Member Secretary of the Maharashtra State Legal Aid and Advice Board through the Court appointing him.

(2) The Bill shall be accompanied by the order authorising such pleader to appear in the case, together with certificate from the Court concerned as prescribed in Rule 13.

(3) If the Member Secretary of the Board is satisfied that the Bill is in order, it shall countersign it and return it to the pleader concerned, who shall then present it at the treasury for payment.

(4) The amount of every such Bill shall be debited to the provision made for the purpose so far as pleaders in Greater Bombay and in mofussil are concerned under the budget head "214-Administration of Justice-in-Legal Advisers and Counsel-m-(iii) Legal Aid and Advice Board (4) Payment for Professional and Special Services."

13. *Certificate*.—The Certificate to be submitted to the Court shall contain the following details :—

- (a) the number of days on which actual work is done ;
- (b) the duration of work for each day ;
- (c) Statement that the Legal Practitioner has not received any fees from the unrepresented accused person or from any other source;
- (d) the fee payable to him as per these rules

14. *Legal Practitioners not to receive any fee from Party*.—The Legal Practitioner to whom fee is due or paid under these Rules shall not be entitled to, nor shall he receive, any fee from the party or from any other source.

15. *Saving*.—Notwithstanding anything contained in these Rules, it shall be competent for the Government to issue from time to time any direction or instruction with a view to implementing the scheme for legal aid to the unrepresented accused person having regard to the special circumstances of any case.

SCHEDULE

(See rules 4 and 5)

Form of Application for Legal Aid

1. Name of the Court.
 2. Number of Criminal Case.
 3. Name, description and place of residence of the applicant
 4. Average monthly income of the applicant from all sources.
- I/We am/are the.....in.....
 No..... noted above my/our average
 monthly income from all sources Rs..... I/we am/are not in a
 position to engage a Legal Practitioner of my/our own in the above

..... I/We, therefore, pray that the Court may be pleased to appoint a Legal Practitioner, for me/us in the above.....

The above statements are true to the best of my personal knowledge and belief.

Signature of applicant/s

Forwarded to..... for enquiry and report

.....before

Presiding Officer.

High Court, Appellate Side,
Bombay, 19th October 1982.

G B. TERDALKAR,
Additional Registrar.

Published in the Gujarat Government Gazette, Part IV (A), No. 12,
dated 24th March, 1983

HOME DEPARTMENT

No. G/G/83/55/(A)MVD-1081-3894-E-2 (*Sachivalaya, Gandhinagar 28th January, 1983*—Whereas the draft further to amend the Bombay Motor Vehicles Rules, 1959 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (IV of 1939) at pages 171-1 to 171-2 of the Gujarat Government Gazette, Extraordinary Part-IV-A, dated 25-11-82 under the Government Notification, Home Department No. G/G/82/436/MVD/1681-3894-E2 dt. 25-11-82 inviting objections and suggestions from all persons likely to be affected thereby;

And whereas no objections and suggestions have been received from the public on the said draft notification issued by Government.

Now, therefore, in exercise of the powers conferred by clause (K) of sub-section (2) of section 41 of the Motor Vehicle Act, 1939 (IV of 1939), the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Gujarat Amendment) Rules, 1983**;

2. In the Bombay Motor Vehicles Rules, 1959, in rule 62—

(i) for sub-rule (3) the following shall be substituted, namely—

“(3) The fee payable for issue or renewal of each trade certificate shall be one hundred rupees. Such fee shall be payable in addition to any tax that may be levied under the Bombay Motor Vehicles Tax Act, 1958”;

(ii) In sub-rule (5) the following shall be added at the end, namely :—

“The certificate in Form T.C. shall be valid for a period of five years from the date of issue and shall be renewable for the further period of five years on application made in Form TGA”.

INDUSTRIES MINES AND POWER DEPARTMENT

No GU-83/13/(A) MCR-2178- (145)-7776 CHH. (*Sabhalaya, Gandhinagar, 4th February, 1983*—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) the Government of Gujarat hereby makes the

following rules further to amend the Gujarat Minor Mineral Rules, 1966, namely :—

1. (1) These rules may be called Gujarat Minor Mineral (1st Amendment) Rules, 1983.

(2) They shall come into force at once.

2. In the Gujarat Minor Mineral Rules, 1966—

(1) in rule 19 after the proviso the following further proviso shall be added, namely :—

“Provided further that if the security deposit is not refunded to the lease holder within the period mentioned in the lease deed, the State Government shall pay simple interest at the rate of nine per cent from the date of expiry of the period mentioned in the lease deed”.

(2) in rule 33F, after the proviso, the following further proviso shall be added, namely :—

“Provided further that if the security deposit is not refunded to the parwana holder within the period mentioned in the quarrying parwana, the State Government shall pay simple interest at the rate of nine per cent from the date of expiry of the period mentioned in the quarrying parwana.”;

(3) after rule 44B, the following new rule shall be inserted namely :—

“44C. The State Government shall without prejudice to the provision contained in these rules, charge simple interest at the rate of twenty-four per cent, per annum on any rent, royalty or other sum due to the State Government under these rules or under the terms and conditions of any quarry lease or quarrying parwana from the date fixed by the Government or the competent officer or, as the case may be, the Director for payment of such royalty, rent or other sum and until payment of such royalty, rent or other sum is made.”;

(4) In Form D, in Part VI in clause 4, for the word “shall be recovered” the word “shall, together with simple interest due thereon at the rate of twenty-four per cent per annum shall be recovered” shall be substituted.

(5) in Form HH, in condition 18, for the words “the same shall be recovered” the words “the same, together with simple interest due thereon at the rate of twenty-four per cent per annum, shall be recovered” shall be substituted.

Published in the Maharashtra Govt Gazette, Extraordinary
Part IV, (Ka) dated April 20, 1983

HOME DEPARTMENT

No. MVA, 0583/35-TRA-2 Mantralaya, Bombay 400 032, dated the 20th April 1983.—In exercise of the powers conferred by clause (e) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the **Bombay Motor Vehicles (Second Amendment) Rules, 1983.**

2. In rule 49 of the Bombay Motor Vehicles Rules, 1959, after clause (ix), the following shall be added, namely :—

“(x) Particulars of Insurance—

(1) Insurer (Company name).

(2) Insurance certificate number,

(3) The date upto which the Insurance certificate is valid.”

Published in the Gujarat Government Gazette, Extraordinary, Part IV-B, dated February 4, 1983.

FINANCE DEPARTMENT

No. (GHN-16)(A)GSR-1083/(36)-TH, *Sachivalaya, Gandhinagar, 4th February, 1983.*—Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to amend the Gujarat Sales Tax Rules, 1970 and to dispense with the previous publication thereof ;

Now, therefore, in exercise of the powers conferred by section 86 read with section 19B of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, namely :—

1. These rules may be called the **Gujarat Sales Tax (Amendment) Rules, 1983.**

2. In the Gujarat Sales Tax Rules, 1970 (hereinafter referred to as “the said rules”), in rule 24—

(i) after sub-rule (9A) the following sub-rule shall be inserted, namely :—

“(9B) A certificate for the purpose of clause (i) of section (1) of section 19B shall be in Form 24B”;

(ii) in the heading for the word and figures “and 49” the figures, letter and word “19B and 49” shall be substituted.

3. After Form 24A appended to the said rules, the following Form shall be inserted, namely:—

“Form 24-B

[See rule 24 (9B)]

Certificate to be issued by a registered dealer purchasing groundnut or peanut for the purpose of clause (i) of sub-section (1) of section 19B of the Gujarat Sales Tax Act, 1969.

I, ... of M/s ** address do certify that I/the said @ am/is a registered dealer holding certificate or registration No. dated under the Gujarat Sales Tax Act, 1969 and that the goods specified in Bill/case memo/in voice No. dated of M/s address are purchased by me and the said purchase has been entered in my books of accounts.

I further certify that the said certificate of registration was in force on the date of the aforesaid purchases of goods.

Place	Signature
Date	Status*

*Note:—**State here name of the firm company, local authority, corporation, society, club, association of individuals, Hindu undivided family, trust or Government.*

@State here firm, company, local authority, Corporation society, Club, association of individuals, Hindu undivided family, trust or Government.

**State here Proprietor, partner, director, manager, Secretary nominee or Officer-in-charge".*

Published in the Gujarat Government Gazette, Extraordinary,
Part IV-B, dated February 8, 1983.

REVENUE DEPARTMENT

No GHM-83-23-(A).GRT-1082-121132-Z. *Sachivalaya, Gandhinagar, 8th February, 1983* —Whereas draft of a notification under sub-section (1) of section 20 of the Bombay Revenue Act, 1957 (Bom. XXXI of 1958) was published as required by sub-section (3) of the said section 20, on pages 264-1 to 264-4 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated 20th December, 1982 under the Government Notification, Revenue Department No GHM 83-307-GRT-1082-121132-Z, dated 20th December (mis-printed as "October") 1982 inviting objections and suggestions from all persons likely to be affected thereby, so as to reach Government by 25th January, 1983.

And whereas objections and suggestion received from the public in respect of the said draft notification dated 20th December, 1982 have been considered by Government

Now, therefore, in exercise of the powers conferred by the said section 20 of the Bombay Revenue Tribunal Act, 1957 (Bom. XXXI of 1958) and in supersession of the Bombay Revenue Tribunal Rules, 1958 framed under Government Notification No BRT-2258-53386-R, dated 27th May 1958, the Government of Gujarat hereby makes the following rules, namely :—

1. These Rules may be called the Gujarat Revenue Tribunal Rules, 1982.

2. *Definitions* —In these rules, unless the context requires otherwise—

(a) "Act" means the Bombay Revenue Tribunal Act, 1957.

(b) "equivalent office" means, in relation to an office specified in any rule, such other office as is, in the opinion of the State Government equal in rank to the office so specified ;

(f). "member" means a member of the tribunal

3. Qualification of President and members of Tribunal—

(1) The President shall be a person who has not attained the age of 65 years, and

(i). Who is or has been a judge of a High Court, or

(ii) Who is an advocate qualified to be a judge of a High Court, or

(iii) Who has, for a period of not less than three years, held the office, or as the case may be, exercised the powers of—

- (a) The Secretary to the Government of Gujarat ;
- (b) The Principal Judge of the City Civil Court Ahmedabad ;
- (c) A District Judge ;
- (d) The Chief Judge, Small Cause Court, Ahmedabad ;
- (e) A member of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946 ;
- (f) A member of the Industrial Tribunal constituted under the Industrial Disputes Act, 1947 ; or
- (g) A member of the Gujarat Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957.

(2) A member shall be a person who has not attained the age of 65 years and—

(a) Who is holding or has held an office not lower in rank than that of—

- (i) A Collector ;
- (ii) A Deputy Secretary to the Government of Gujarat ;
- (iii) A District Judge ;
- (iv) An Assistant Judge, or a Civil Judge (Senior Division) appointed under the Bombay Civil Courts Act, 1869, or a Civil Judge holding an equivalent office under any other law for the time being in force ; or

(b) Who is an advocate or attorney of the High Court, or a legal practitioner entitled to practise before courts other than the High Court under any law relating to legal practitioners for the time being in force in this State, has practised for not less than five years in any Civil Courts or before the Tribunal, and is, in the opinion of the State Government, well versed in revenue and tenancy laws.

Period of office and terms and conditions of service of President and members of Tribunal—

(1) The President and the non-official members shall hold office for such period not exceeding three years at a time as may be specified by the State Government or until he attains the age of 65 years, whichever event occurs earlier.

(2) A person who has held office as a President or a member for the period mentioned in sub-rule (1) shall be eligible for re-appointment unless he has attained the age of 65 years.

(3) The President or any non-official member may at any time resign his office.

(4) Notwithstanding anything contained in sub-rule (1), the State Government may, in its discretion, terminate at any time the appointment of the president or the non-official member, if, in its opinion, such President or member, is unable or unfit to continue to perform the duties of his office.

5. (1) *Qualification of Registrar and Deputy Registrar.*—The Registrar shall be an officer not below the rank of an Assistant or a Deputy Collector, or not below the rank of a holder of an equivalent office :

Provided that the State Government may appoint an officer not below the rank of a Mamlatdar or not below the rank of holder of an

equivalent office, to act as Registrar for such period as it may consider necessary

(2) The Deputy Registrar shall be an officer not below the rank of a Mamlatdar or not below the rank of a holder of an equivalent office.

6. *Notice about Tribunal's sitting outside its Headquarters*—Sufficient notice about the sitting of the Tribunal outside its Headquarters shall be given by publication on the notice board of the Tribunal and in such other manner as may be laid down in the regulations made by the President under section 14 of the Act.

7. *Notice of date of hearing*—The Registrar or the Deputy Registrar shall arrange for the sittings of the Tribunal for hearing the appeals and applications for revision and publish the dates fixed for the hearing there of on the notice board of the Tribunal sufficiently in advance.

Published in the Gujarat Government Gazette, Extra ordinary,
Part IV-B, dated 21st February 1983.

CO-OPERATION DEPARTMENT

No. GHKH-16 (A)/83/CSR-1682-1458-CHH (9). *Sachivalaya, Gandhinagar, 21st February, 1983.*—Whereas certain draft rules further to amend the Gujarat Co-operative Societies Rules, 1955 were published as required by sub-section (3) of section 168 of the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962), at pages 213-1 to 213-2 of the Government of Gujarat Gazette part IV-B Extra-Ordinary, dated the 12th October, 1982 under Government Notification, Co-operation Department No. GHKH-201/82/CSR. 1682-1458-S6 dated the 7th October, 1982, inviting objections and suggestions from all persons likely to be affected thereby till the 6th November, 1982 ;

And whereas no objections or suggestions were received by the Government ;

Now, therefore, in exercise of the powers conferred by section 168 of the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962), the Government of Gujarat hereby makes the following rules further amend the Gujarat Co-operative Societies Rules, 1965, namely :—

1. These rules may be called the **Gujarat Co-operative Societies (2nd amendment) Rules, 1982.**

2. In the Gujarat Co-Societies Rules 1965, after rule 37, the following shall be inserted, namely :—

“37-A. Notwithstanding anything contained in the bye-laws of the societies the Registrar shall appoint an Administrator from amongst the following :—

(1) A Federal Society having interest.

(2) A Federal Society, which in the opinion of the Registrar is competent to administer the affairs of the society sought to be brought under administration.

(3) Officer of the Co-operative Department

(4) Auditors who are on the panel of certified auditors and retired officers of the Co-operation, Revenue and Judicial Department, whose names stand included on the panel of Administrator as approved and prepared by the Registrar from time to time for the purpose

Published in the Maharashtra Government Gazette, Extraordinary,
Part IV-Ka, dated April 1983

URBAN DEVELOPMENT DEPARTMENT

No. APA-1082/32/CR-41/UD-18. *Mantralaya, Bombay 400 032, dated the 26th April 1983.*—In exercise of the powers conferred by sub-section (1) and (2) of section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and of all other powers enabling it in that behalf the Government of Maharashtra, after consultation with the State Board as required under sub-section (3) of the said section 54, hereby makes the following rules, namely :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement*—(1) These rules may be called the Maharashtra Air (Prevention and Control of Pollution) Rules, 1983

(2) They shall come into force on the 1st day of May, 1983.

2. *Definitions*.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Air (Prevention and Control of Pollution) Act, 1981.

(b) “Board” means the Maharashtra Water (Prevention and Control of Pollution) Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974) and deemed under section 4 of the Act to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Act;

(c) “Chairman” means the Chairman of the Board;

(d) “Committee” means the Committee constituted under sub-section (1) of section 11;

(e) “furnace” means any structure or installation where any form or type of fuel is burnt or otherwise a high temperature higher than ambient is maintained;

(f) “Government” or “State Government” means the Government of Maharashtra;

(g) “Member-Secretary” means the Member-Secretary appointed by Government under clause (f) of sub-section (2) of section 4 of the Water (Prevention and Control of Pollution) Act 1974;

(h) “premises” means any building, structure or property used for industrial or trade purposes where pollution occurs;

(i) “recognised laboratory” means a laboratory established or recognised as such under sub-section (2) of section 17;

(j) “section” means a section of the Act;

(k) “State Air Laboratory” means a laboratory established or specified as such under sub-section (1) of section 28

(2) The words and expression used in these rules but not defined shall have the same meanings respectively assigned to them in the Act

CHAPTER II

MEETINGS OF THE STATE BOARD AND ITS COMMITTEES

3. *Notice of meetings of Board*.—(1) Every ordinary meeting shall be called once in every three months so as to comply with the provisions of sub-section (1) of section 10.

(2) The Chairman shall either on his own as provided under proviso to sub section (1) of section 10 or upon a written request of not less than seven members of the Board or upon a direction of the Government, issue or cause to be issued a notice calling a special meeting.

(3) Seven clear days' notice from the date of an ordinary meeting and two clear days' notice of a special meeting shall be circulated to the members specifying the time and place at which such meeting is to be held and the business to be transacted thereat.

(4) Notice may be given to the members by delivering the same by messenger or sending it by post to their last known place of residence or office.

(5) No member shall be entitled to bring forward for consideration of the meeting any matter of which he has not given five clear days' notice to the Member-Secretary unless the Chairman, in his discretion, permits him to do so.

(6) The Board may adjourn from day to day or any particular day, and no fresh notice shall be required for any adjourned meeting.

(7) No proceeding shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

4. *Presiding authority of meeting of Board.*—Every meeting shall be presided over by the Chairman, and in his absence, by a Chairman for the meeting to be elected by the members present from amongst themselves.

5. *All questions to be decided by majority at Board meeting.*—

(1) All questions at a meeting shall be decided by a majority of members present and voting. The voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding authority shall have a second or casting vote.

6. *Quorum at Board meeting.*—(1) Seven members shall form the quorum for a meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting and if a quorum is not present at the expiration of fifteen minutes from such adjournment the presiding authority shall adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) The business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting except with the permission of the presiding authority.

(5) No fresh notice shall be required for the adjourned meeting.

7. *Minutes of Board meeting.*—(1) Record shall be kept of the names of members who attend the meeting of the Board and of the

proceedings at meeting in a minute-book to be maintained by the member-secretary.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding authority at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Board during office hours.

8. *Maintaining order at Board meeting.*—The presiding authority shall preserve order at a meeting and shall have all powers necessary for the purpose of enforcing his decision.

9. *Business to be transacted at Board meeting.*—Except with the express permission of the presiding authority, no matter which is not on the agenda, shall be transacted at any meeting.

10. *Order of business in Board meeting*—Except with the permission of the presiding authority, no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of the business for the day :

Provided that, in granting permission for priority for transacting any business, the presiding authority shall be guided by the majority of votes for and against such motion.

11. *Notice of meetings of Committees*—(1) The Member-Secretary of the Committee in consultation with the Chairman of the Committee shall fix the time, date and place of the meeting of the Committees as well as the business to be transacted thereat.

(2) Seven clear days' notice from the date of despatch of the meeting specifying the time, date and place of such meeting, and also the business to be transacted thereat, shall be circulated to the members of the Committee.

(3) Such notice may be given to the members by delivering the same by messengers, or by sending it by post to their last known place of residence or office.

12. *Presiding authority of meetings of Committee.*—Every meeting shall be presided over by the Chairman of the Committee and in his absence by a Chairman for the meeting to be elected by the members present from amongst themselves.

13. *All questions to be decided by majority at Committee meeting.*—(1) All questions at a meeting of the Committee shall be decided by a majority of votes of members present and voting which shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding authority shall have and exercise a second or casting vote.

14. *Quorum at Committee meeting.*—(1) One-half of the existing members of the Committee shall form the quorum for its meeting, fractions being ignored. However, the quorum shall not be less than three.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting of the Committee and if a quorum is not present at the expiration of fifteen minutes from such adjournment, the presiding

authority shall adjourn the meeting, to such hours on the following or on some other future date as he may fix.

(3) The business which would have been brought before its original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.

(4) No matter which had not been on the agenda of the meeting shall be discussed at such adjourned meeting except with the permission of the presiding authority.

(5) No fresh notice shall be required for the adjourned meeting.

15. *Minutes of committee meeting* —(1) Record shall be kept of the names of members of the committee who attend the meeting of the committee, and of the proceedings at such meeting in a minute book.

(2) The minutes of the previous meeting shall be read at the beginning of its every succeeding meeting, and shall be confirmed and signed by the presiding authority at such meeting.

(3) The proceedings shall be open to inspection by any member of the committee at the office of the Board during office hours.

16. *Maintaining order at meeting of the Committee.*—The presiding authority shall preserve order at a meeting and have all powers necessary for the purpose of enforcing his decision.

17. *Business to be transacted at meetings of committee* —Except with the express permission of the presiding authority, no matter which is not on the agenda, shall be transacted at any meeting of committees.

18. *Order of business in committee meeting* —Except with the permission of the presiding authority, no business shall be transacted at any meeting of the committee otherwise than in the order in which it is entered in the order of the business for the day :

Provided that, in granting permission for transacting any business the presiding authority shall be guided by the majority of votes for and against such motion.

CHAPTER III

POWERS AND DUTIES OF THE MEMBER-SECRETARY AND APPOINTMENT OF OFFICERS AND EMPLOYEES

19. *Powers and duties of the member-secretary.*—The member-secretary, who shall be Chief Executive of the Board, shall exercise the powers and perform the duties as mentioned in Annexure-1.

20. *Appointment of Officers and Employees by the Board* —The Board may, with the previous approval of the Government create such posts of Officers and employees as it considers necessary for the efficient performance of its functions and make appointment in accordance with regulations framed by it subject to the prior approval of Government and may also abolish any post so created.

CHAPTER IV

POWERS AND FUNCTIONS OF THE BOARD

21. *Manner of declaration of an area as air pollution control area.*—Any area or areas declared as air pollution control area under section 19 shall be so declared by reference to a map or by reference to any district or partly by one method and partly by the other and shall be

published in the Official Gazette and at least in two local news papers for wide publicity

22. *Application for consent under section 21.*—(1) An application for obtaining the consent of the Board under section 21 shall be made to it in Form "A";

Provided that where any person, immediately before the declaration of any area as air pollution control area, operates in such area any industrial plant for the purpose of any industry specified in the Schedule-I, shall make the application for consent within a period of four months from the date of such declaration of the area.

(2) The fees for such application shall be as prescribed in Schedule-I

23. *Procedure for making inquiry into application for consent*—(1) On receipt of an application for consent under section 21, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place or premises, and any process, plant or machinery, where emission from the chimney or fugitive from any location within the premises of the industry occurs as also any control devices installed in the said premises. Such officer may, for the purpose, and may require the applicant to furnish to him any plans, specifications or other data relating to control equipment or any part thereof that he considers necessary.

(2) Such officer shall, before visiting any premises of the applicant for the purposes of inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in Form 'B'. The applicant shall furnish to such officer all information and provide all facilities to conduct the inspection.

(3) An officer of the Board may, before or after carrying out an inspection under sub-rule (1) require the applicant to furnish to him orally or in writing such additional information or to produce before him such documents, as he may consider necessary for the purpose of inquiry into the application and may, for that purpose summon the applicant or his authorised agent to the office of the Board or to any of its regional or sub-regional offices.

24. *Manner of taking samples of air or emission.*—(1) The occupier of the premises shall provide port holes, platforms conveniently located for easy access to portholes and all other necessary facilities for taking samples of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary or mobile

(2) (a) The samples of air for gaseous emissions shall be taken either into an absorbing solution and/or in a suitable container.

(b) The samples of air for particulate matter shall be taken isokinetically.

25. *Form of notice under section 26.*—The form of notice to be served under clause (a) of sub-section (3) of section 26 by the person taking the sample under sub-section (1) of that section shall be in Form 'C'.

26. *Form of report of Board Analyst.*—The report of the result of the analysis to be submitted by the Board Analyst under sub-section (1) of section 27 shall be in Form 'D'.

27. *Consent Register.*—The register to be maintained by the Board, under section 51 shall contain particulars as specified in Form 'B'.

CHAPTER V

STATE AIR LABORATORY

28. *Functions of State Air Laboratory.*—The functions of the State Air Laboratory shall be—

(a) to analyse or test the samples of air or emission submitted to it under section 26 by the Board or any officer empowered by the Board in this behalf and to communicate to the Board or such officer as the case may be, the result of such analysis or test ;

(b) to collect and analyse or test such samples of air or emission as it may consider necessary and to communicate the results to the Board ;

(c) to analyse or test any such samples delivered to it by any person other than the Board or any officers, if it considers such analysis or test necessary and to communicate the result of such analysis to such person and to the Board.

29. *Procedure for submission of samples for report of State Air Laboratory and fees.*—The procedure for the submission of the samples of air or emission for analysis or test to the State Air Laboratory shall be in accordance with section 26 and the fees for every such report of the Government Analyst shall be as provided in Schedule-2.

30. *Form of report of Government Analyst.*—The report of the result of the analysis to be submitted by the Government Analyst under sub-section (3) of section 27 and sub-section (2) of section 28 shall be in Form 'F'.

31. *Qualifications for the Government Analyst and the Board Analyst.*—The Government Analyst or the Board Analyst shall be a person,—

(a) is holding a post-graduate degree with atleast second class, of any University recognised by Government, in basic sciences including Chemistry, Physics, Bio-chemistry, or atleast a second class graduate in chemical or public health engineering ; and

(b) has practical experience of not less than three years in analysis of air pollutants.

CHAPTER VI

APPEALS

32. *Memorandum of Appeal under sub-section (3) of section 31.*—

(1) Every appeal against an order passed by the State Board to be filled by the aggrieved party under sub-section (1) of section 31 shall be filed in Form 'G'.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

(3) Every such appeal shall,—

(a) (i) be in writing ;
(ii) specify the name and address of the appellant and the date of the order appealed against;

(iii) specify the date on which the order appealed against was communicated to the appellant;

(iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;

(v) state precisely the relief prayed for; and

(vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf.

(b) The fee for filing an appeal shall be Rs 100 and it shall be paid by every appellant in the office of the Board.

(c) Every such appeal shall be accompanied by—

(i) an authenticated copy of the order appealed against ;

(ii) a copy of the application made under section 20, 21 and 22 as the case may be ;

(iii) any document relating to the appeal ; and

(iv) an authenticated copy of the receipt under which the prescribed fee has been paid by the appellant.

(d) Every memorandum of appeal shall be submitted in quadruplicate and shall be presented to the appellate authority either by the appellant in person or by his authorised agent or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such as agent.

(e) On receipt of the memorandum of appeal, the appellant authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

33. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal under sub-section (3) of section 31—

(1) The appellate authority shall, as soon as may be, after the Memorandum of appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the member-secretary in Form 'H'. While giving such intimation to the Member-Secretary, a copy of the memorandum of appeal together with its enclosures shall also be sent to the Member-Secretary and he shall be called upon to send to the appellate authority, all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further material from the applicant or the Member-Secretary as it may deem fit. Such material shall form part of the record only after the party other than that from whom such record has been received, has been given an opportunity to peruse the same.

(3) Where on the date fixed for hearing or any date to which hearing of the appeal may be adjourned, the appellant or his duly

authorised agent does not appear when the appeal is called on for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3), the appellant may, within 30 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called on for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary

CHAPTER VII

BUDGET, ANNUAL REPORT AND ANNUAL STATEMENT OF ACCOUNTS

34. *Form of the budget estimates*.—The budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Board shall be prepared by the Board in Form 'I' and submitted to the Government.

35. *Submission of budget estimates*.—(1) The Budget estimates as compiled in accordance with rule 34 shall be placed by the Member-Secretary before the Board by the 5th September each year for approval.

(2) Four copies of the budget proposal, as finally approved by the Board, shall be submitted to Government by the 15th September each year.

36. *Operation of the fund of the Board*.—The fund of the State Board shall be operated by the Member-Secretary or in his absence by any officer of the Board empowered by the Board with the approval of Government

37. *Annual Report*.—The annual report for the outgoing financial year under section 35 shall be prepared by the Board by the first day of the month of July in Form "J".

38. *Annual statement of accounts*.—The annual statement of accounts to be prepared by the Board under sub-section (1) of section 36 shall be in Forms 'K-I', 'K-II', 'K-III', 'K-IV', and 'K-V'.

SCHEDULE-I

[Rule 22 (1) and (2)]

Serial No.		Consent fee	
		Rs.	/
1.	Asbestos and Asbestos Products Industries ...	10,000	
2.	Cement and Cement Products Industries ...	5,000	
3.	Ceramic and Ceramic Products Industries ...	1,000	
4.	Chemical and allied Industries ...	7,500	per plant
5.	Coal and Lignite based chemical industries ...	10,000	
6.	Engineering Industries—		
	(a) without heat treatment and electroplating ...	1,500	

(b) with heat treatment	...	2,500
(c) with Electroplating	...	2,500
(d) with both	...	5,000
7. Ferrous Metallurgical industries	...	10,000
8. Fertilizer industries	...	7,500 per plant.
9. Foundries	...	5,000
10. Food and agricultural products industries	...	2,000
11. Mining industries	...	10,000
12. Non-Ferrous Metallurgical industries	...	10,000
13. Ores/Mineral processing industries including benefication, pelletization etc.	...	10,000
14. Power (Coal, petroleum and their products) generating plants and boiler plants.	...	10,000
15. Paper and pulp (including paper products industries).	...	5,000
16. Textile processing industry (made wholly or in part of cotton).	...	2,500
17. Petroleum Refineries	...	5,000
18. Petroleum products and Petrochemical industries	...	10,000
19. Plants for recovery from and disposal of wastes	...	5,000
20. Incinerators	...	1,000
Small scale industries, irrespective of the type of process shall be charged Rs. 500 for consent.		

SCHEDULE—2

(Rule 29)

Pollutants—

Serial No.	Category of Pollutant	Pollutant	Fees in Rs
(1)	(A) Inorganic Gaseous Pollutant...	Oxides of Sulphur...	60
		Oxides of Sulphur...	75
		Acid-Mist	75
		Carbon Monoxide...	100
		Hydrogen Sulphide...	75
		Ammonia	60
		Gaseous Fluoride...	75
		Hydrogen Chloride...	60
(B)	Organic Gaseous Pollutants	Total Hydrocarbons...	150
		Pesticides	100
		Phenols	60
(C)	Particulate Matter	...	100

ANNEXURE—1

Powers and Duties of the Member Secretary

(See rule 19)

1. Member Secretary shall make all arrangements for holding meetings of the State Board and meetings of the Committees constituted by the State Board.

2 All orders and instructions to be issued by the State Board shall be authenticated by the Member Secretary.

3. Member Secretary may carry out inspection of the office of the Board or any other office under the Board at any time.

4. Member Secretary shall be the appointing authority for employees of the Board whose maximum pay-scale does not exceed Rs. 1,150 as per the provisions of the Recruitment Rules approved the State Government.

5. Financial Powers—

(omitted.)

FORM "A"

[See rule 22 (1)]

Note.—To be submitted in triplicate and entries not relevant may be struck out.

Application for consent to operate an Industrial Plant under section 21 of the Air (Prevention and Control of Pollution) Act 1981.

From.....Dated

.....
.....
.....

To

The Member-Secretary.

.....
.....
.....

Sir,

I/We hereby apply for CONSENT under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), to operate an Industrial Plant owned by

(1) for a period upto

(2)

2. The Annexure, appendices, other particulars and plans are attached herewith in triplicate.

3. I/We further declare that the information furnished in the Annexure/Appendices and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of a change either of the point or the quantity of emission or of its quality a fresh application for CONSENT shall be made and until such consent is granted, no change shall be made.

5. I/We hereby agree to submit to the Board, application for renewal of CONSENT one month in advance of the date of expiry of the consented period to operate the industrial plant to be continued thereafter

6. I/We undertake to furnish any other information within one month of its being called for by the Board.

7. An amount of Rs. as fee for this application has been paid in the office of the Board vide Receipt No. dated an authentic copy of which is attached as proof of payment.

Your faithfully,

Dated

Signature

Name of applicant

Address of applicant

Accompaniments :—

- (i) Index/Site plan.
- (ii) Topographical map
- (iii) Detailed layout plan of different processes and point sources of emissions and position of stacks and chimneys.
- (iv) Process flow sheet.
- (v) Latest Analysis Report.
- (vi) Details of Air Pollution Control devices provided or proposed to be provided.
- (vii) Ambient Air Quality report, if available.
- (viii) Copy of the receipt for consent fee paid.

Annexure to Form "A"

(omitted.)

FORMS "B", "C", "D", "E", "F".

(omitted.)

FORM "G"

[See rule 32(1)]

Before Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

Memorandum of appeal of Shri (Appellant)

The Maharashtra Water Prevention and Control of Pollution Board Respondent

The appeal of Shri

Resident of

District

against the order dated

passed by the Maharashtra Water (Prevention & Control of Pollution) Board under section 20/21/22 of the Air (Prevention and Control of Pollution) Act, 1981 showeth as follows :—

(1) Under section 20/21/22 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the appellant has been granted consent subject to the conditions mentioned in the consent order in respect of the Company falling under the

Corporation/Municipal Council/notified area, area Committee etc.
noted below :—

- (a) Collectorate.....
- (b) Corporation.....
- (c) Municipal Council.....
- (d) Village Panchayat.....
- (e) Contonment.....
- (f) Defence Department.....
- (g) Port Trust.....
- (h) State Government.....
- (i) Prohibited Area.....

*Here mention the name and designation of the Authority.

A copy of the consent order in question is attached hereto.

(2) The facts of the case are as under :

(Here briefly mention the facts of the case).

(3) The grounds on which the appellant relies for the purpose of
this appeal are as below :—

(Here mention the grounds on which appeal is made.)

1.

2.

3.

(4) In the light of what is stated above, the appellant respectfully
prayeth that—

(a) the unreasonable condition (s).....
imposed should be treated as annulled or it/they should be substituted
by other condition(s) viz

or

(b) the unreasonable condition(s)
should be varied in the following manner, viz.....

An amount of Rs. as fee
for this appeal has been paid in the office of the Board vide receipt
No dated an authorised copy of which is attached
as proof of payment.

Signature of the Appellant

(Name in Block Letters)

Occupation.....

Address.....

Dated :

VERIFICATION

I, ... (appellant's name) in
the above Memorandum of appeal/or duly authorised agent do hereby

declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature.....

Name
(in block letters)

Occupation.....

Address.....

Dated :

Note : Strike out what is not applicable.

FORMS "H", I, J, K-I to K-V.
(omitted.)

Published in the Maharashtra Government Gazette, Part IV(Ba)
dated June 9, 1983

REVENUE AND FORESTS DEPARTMENT

No. ADV. 1078/908/I.S. (I). *Maharashtra Bombay 400 032, dated the 25th May 1983.*—In exercise of the powers conferred by the sub-section (1) of section 15 of the Maharashtra Advertisements Tax Act, 1967 (Mah. XVIII of 1967), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Advertisements Tax Rules, 1967, the same having been previously published as required by sub-section (2) of section 15 of the said Act, namely :—

1 These rules may be called the **Maharashtra Advertisement Tax (Amendment) Rules, 1983.**

2. In rule 3 of the Maharashtra Advertisements Tax Rules, 1967—

(a) after the words "in the form hereto", the following shall be inserted, namely :—

"before the expiry of the 15th day of the month following the month to which such return relates" ;

(b). for the portion beginning with the words "The return shall" and ending with the words "place of entertainment" the following shall be substituted, namely :—

"The return shall be in respect of any slide, trailer or films referred to in section 3 exhibited at the place of entertainment during the month of return".

Published in the Maharashtra Government Gazette Part IV-Ba,
dated June 9, 1983

HOME DEPARTMENT

No. MCT-0283/8/TRA-6. *Mantralaya, Bombay 400 032, dated the 23rd May 1983.*—In exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1939 (IV of 1939), and in supersession of Government Notification, Home Department, No. MCT-0283/8/TRA-6, dated the 3rd March 1983, the Government of Maharashtra, with effect from the 1st December 1982, hereby,—

(a) Constitutes a Motor Accidents Claims Tribunal for the area comprised with the limits of the revenue district of Latur, for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of Motor Vehicles, or damage to any property of a third party so arising, or both ;

(b) directs that the Motor Accidents Claims Tribunal so constituted for revenue-district of Latur shall consist of a single member ; and

(c) appoints the District and Sessions Judge of the revenue district of Latur as an *ex-officio* member of the said Tribunal.

Published in the Maharashtra Government Gazette, Part IV-Ka,
dated June 9, 1983

BY THE HIGH COURT OF JUDICATURE AT BOMBAY

No. P. 3601/82

The Honourable the Chief Justice and Judges are pleased to direct that following amendments be made in the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981):—

I

Substitute the following rules 2A and 2B for the existing rule 2A with its explanation in Chapter I of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 2 :—

2A. All appeals from orders passed under any special statute other than Code of Criminal Procedure, which provides for an appeal to the High Court from an order of penalty or for confiscation or an order in the Nature thereof passed under that statute shall be heard by a Division Bench hearing first appeals.

“2B. *Petitions/applications u/Art. 226 and/or 227 of the Constitution of India, arising out of or relating to an order of penalty or confiscation etc. passed under any special statute.*—All petitions/applications under Article 226 and/or 227 of the Constitution of India arising out of or relating to an order of penalty or confiscation or an order in the nature thereof an order otherwise of a penal character and passed under any special statute shall be heard and decided by a Division Bench hearing Writ Petitions ”

II

Substitute the following as rule 3 for the existing rule 3 in Chapter I of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 2 :—

“3. Notwithstanding anything contained in these Rules, a single Judge, may, during Vacation or on Holidays or on Working days when the Division Court is not in Session, issue notice or rule, as the case may be, in any matter of an emergent nature, civil or criminal or under the Constitution, and may pass such interim orders regarding stay, injunction, bail and other interim reliefs as he may deem fit ”

III

Add the following rule as rule 7 after the existing rule 6 in Chapter I of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 3 :—

"7. *Reference to two or more Judges.*—If it shall appear to any Judge, either on the application of a party or otherwise, that an appeal or matter can be more advantageously heard by a Bench of two or more Judges, he may report to that effect to the Chief Justice who shall make such order thereon as he shall think fit."

IV

Insert the words "the Additional Registrar" after the words "The Registrar" in Rule 1 in Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 4.

V

Substitute the following Rule 6 for the existing Rule, 6 in Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 6 :—

"6. The Registrar may delegate any of the powers mentioned in rules 1 to 4 above to such Additional Registrar, Deputy Registrar, Assistant Registrar or Special Officer as the Honourable the Chief Justice may sanction."

VI

Insert the words "Additional Registrar" after the words "the Registrar," in Rule 7(i) of Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 6.

VII

Insert the words "the Additional Registrar" after the words "The Registrar" in Rule 8 of Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 6.

VIII

Insert the words "the Additional Registrar" after the words "the Registrar" in Rule 9 of Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 6.

IX

Delete Rule 11 of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 7.

X

Substitute the following rule as rule 12 for the existing rule 12 of Chapter II of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 7 :—

"12. *Registrar*" includes "Additional Registrar" and "Special Officer".—Subject to the provisions of rule 6 in Chapter II, the word "Registrar" wherever it occurs in the Bombay High Court Appellate Side Rules, 1960, includes all Officers designated as the "Additional Registrar", or "Special Officer", "Deputy Registrar" or "Assistant Registrar" wherever they are posted."

XI

Substitute the following rule 1 for the existing rule 1 in Chapter III of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 8 :—

"1. Every affidavit to be used in the High Court shall be entitled as follows :—

AT BOMBAY :

“In the High Court of Judicature, Appellate Side, Bombay.”.

AT NAGPUR :

“In the High Court of Judicature, Bombay, at Nagpur.”.

AT AURANGABAD :

“In the High Court of Judicature, Bombay, at Aurangabad.”.

AT GOA :

“In the High Court of Judicature, Bombay, at Panaji, Goa.”.

XII

Substitute the following rule 11(f) for the existing rule 11(f) in Chapter III of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 10 :—

“11(f) The facility provided by this rule shall be available only within the limits of the Municipal Corporation of Greater Bombay, Nagpur City, Aurangabad City and the Municipal limits of Panaji and the expression ‘Court House’ in this rule shall mean with reference to the City of Greater Bombay, the Court House of this High Court at Bombay and with reference to the cities of Nagpur, Aurangabad and Panaji, the Court House of the Nagpur Bench of this Court at Nagpur, the Court House of the Aurangabad Bench at Aurangabad and the Court House of the Goa Bench at Panaji, Goa, respectively ”.

XIII

Delete the word “or” appearing after the word “Bombay” and insert comma and add the words “or Aurangabad City” after the words “Nagpur City” in rule 8(ii) of Chapter XVII of the Bombay High Appellate Side, Rules, 1960 (Reprint 1981) at page 64.

XIV

Substitute Chapter XXXI for the existing Chapter XXXI of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 127 as follows :—

“CHAPTER XXXI**PRESENTATION OF PROCEEDINGS AT THE OFFICE OF THE HIGH COURT AT NAGPUR, AURANGABAD AND PANAJI, GOA.**

1. *Presentation of matters at Nagpur, Aurangabad and Goa.*—All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Akola, Amravati, Bhandara, Buldana, Chandrapur, Nagpur, Wardha, Yavatmal and Gadchiroli which lie to the High Court of Bombay shall be presented to the Additional Registrar of that High Court at Nagpur and shall be disposed of by the Judges sitting at Nagpur :

Provided that the Chief Justice may in his discretion, order that any case arising in any such district shall be heard at Bombay.

2. All appeals, applications, references and petitions, including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Aurangabad, Beed, Jalna, Nanded, Osmanabad, Parbhani and Latur which lie to the High Court shall be presented to the Additional Registrar at Aurangabad shall be disposed of by the Judges sitting at Aurangabad.

Provided that the Chief Justice may, in his discretion, order that any case arising in any such district shall be heard at Bombay.

3 All appeals, applications, references and petitions, including petition for exercise of powers under Articles 226 and 227 of the Constitution arising in the Union Territory of Goa, Daman and Diu which lie to the High Court at Bombay, shall be presented to the special Officer at Panaji, Goa, and shall be disposed of by the Judges sitting at Panaji, Goa.

Provided that the Chief Justice may, in his discretion, order that any case arising in the Union Territory of Goa, Daman and Diu shall be heard at Bombay."

XV

Substitute the following rule 7A(2) for existing rule 7A(2) to Schedule VII of the Bombay High Court Appellate Side Rules, 1960 (Reprint 1981) at page 133 :—

"7A(2) The Registrar, the Additional Registrar or the Special Officer may direct that the matters not covered by sub-rule (1) above of any advocate shall not be placed on board for a period not exceeding 14 days on an application made to him by the Advocate who for the said period will be unable to attend the Court on account of some unforeseen reason or on account of being required to go out of Bombay, Nagpur, Aurangabad or Panaji as the case may be.

Provided that the Registrar, the Additional Registrar or the Special Officer may pass similar direction for a further period not exceeding 14 days if in respect of those matters for which direction is sought the Advocate concerned produces before the Registrar, Additional Registrar or the Special Officer consent of the other Advocate appearing in the said matter :

Provided further that the Judge designated in this behalf by the Chief Justice may give similar direction on sufficient cause being shown for a period exceeding the period for which the Registrar, the Additional Registrar or the Special Officer has given the direction."

G.B. TERDAIKAR,
Additional Registrar

High Court, Appellate Side,
Bombay, 29th April 1983

Published in the the Maharashtra, Government Gazette, Extraordinary.
Part IV (Ba) dated June 7, 1983.

REVENUE AND FORESTS DEPARTMENT

No END 1280/4545-CR-60-80-FI *Mantralaya, Bombay 400 032, dated 7th June 1983*—In exercise of the powers conferred by sub-section (3) of section 1 of the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982 (Mah. XVI of 1982), the Government of Maharashtra hereby appoints the 15th day of June 1983 to be the date on which the said Act shall come into force.

Published in the Gazette Maharashtra Government Extraordinary,
Part IV(Ba) dated May 25, 1983

REVENUE AND FORESTS DEPARTMENT

No. ADV. 1078/908/I.S. (I).—*Mantralaya, Bombay 400 032, dated the 25th May 1983*.—In exercise of the powers conferred by sub-section (1) of section 15 of the Maharashtra Advertisements Tax Act,

1967 (Mah. XVIII of 1967), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Advertisements Tax Rules, 1997, the same having been previously published as required by sub-section (2) of section 15 of the said Act, namely :—

1. These rules may be called the **Maharashtra Advertisements Tax (Amendment) Rules, 1983.**

2. In rule 3 of the Maharashtra Advertisements Tax Rules, 1967,—

(a) after the words “in the form hereto” the following shall be inserted, namely :—

“before the expiry of the 15th day of the month following the month to which such return relates”;

(b) for the portion beginning with the words “The return shall” and ending with the words “place of entertainment” the following shall be substituted, namely :—

“The return shall be in respect of any slide, trailer or films referred to in section 3 exhibited at the place of entertainment during the month of return”.

Published in the Maharashtra Government Gazette, Part IV (Ba),
dated May 31st, 1983

MEDICAL EDUCATION AND DRUGS DEPARTMENT

No STR. 2282/1447/MED-10 *Mantralaya, Bombay 400032, dated the 31st May 1983.*—In exercise of the powers conferred by sub-section (1) and clauses (e), (f) and (h) of sub-section (2) of section 30 of the Maharashtra Medical Practitioners' Act 1961 (Mah. XXVIII of 1961), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Medical Practitioners' (Registration) Rules, 1961, the same having been previously published as required by sub-section (1) of the section 30, namely :—

1. These rules may be called the **Maharashtra Medical Practitioners' (Registration) (Amendment) Rules, 1983.**

2. In the Maharashtra Medical Practitioners' (Registration) Rules, 1961 (hereinafter referred to as “the Principal rules”) except in Forms ‘B’ and ‘BB’—

(a) for the words “Maharashtra Board of Ayurvedic and Unani Systems of Medicine” wherever they occur the words “Maharashtra Council of Indian Medicine” shall be substituted;

(b) for the words “Maharashtra Board of Ayurvedic and Unani Systems of Medicine” wherever they occur, the words “Maharashtra Council of Indian Medicine” shall be substituted.

3. In rule 3 of the principal rules, in clause (i) for the word “Board” the word “Council” shall be substituted.

4. In rule 4 of the Principal rules,—

(i) in sub-rule (6) in clause (b), in sub-clause (iv), for the words “Recognised Institute” the words “approved institute” shall be substituted;

(ii) after sub-rule (6), the following sub-rule shall be added, namely :—

“(7) (a) Every practitioner who desires to have fresh certificate of registration under sub-section (2) of section 23A shall apply to the Registrar in Form ‘N’ which shall be obtained from the Registrar. The Registrar shall comply with any requisition for the supply of forms.

(b) Every application made under clause (a) shall be accompanied by,—

(i) fees of rupees five;

(ii) the certificate of registration in original.”

5. In rule 7 of the principal rules, for the word “blue”—the word “pink” shall be substituted.

6. For rule 15 of the principal rules, the following shall be substituted, namely :—

“15. *Procedure for continuance of names of practitioners on Register.*—For the purposes of clause (b) of sub-section (1) of section 23A the forms of the two general notices referred to therein shall be in the Form “FF” and “GG” respectively appended hereto and the other manner of publishing such notices shall be the same as are mentioned in rule 11 with such modifications as may be necessary and provisions of rules 12, 13, and 14 shall, mutatis mutandis apply in relation to the continuance of the names of the registered practitioners on the Register.”

7. In form ‘A’ appended to the principal rules.—

(a) in para 3, for the letters, figures, brackets and words “Rs 50 (Rupees fifty only)”, the letters, figures and words “Rs. 100 (Rupees one hundred only)”, shall be substituted.

(b) In instruction No. (2), for the letters and figures “Rs. 50” the letters and figures “Rs 100” shall be substituted.

8. In form “B-C” appended to the principal rules, in para 2(iii). for the word “recognized” the word “approved” shall be substituted.

9. In Form “C” appended to the principal rules, in paragraph 1, after item No. (4), the following item shall be inserted, namely :—

“(4A) address of practice/employment.....;”

10. In form ‘F’ appended to the principal rules,—

(a) in the title the words, brackets and figure, “read with sub-section (2)” shall be deleted.

(b) the word “list” in para 1 and para 2, wherever it occurs shall be deleted;

(c) the word “enlisted” in para 1 and para 2, wherever it occurs shall be deleted.

11. After form “F” appended to the principal rules, the following form “FF” shall be inserted, namely :—

“FORM ‘FF’

(Rule 15)

First General Notice under clause (b) of sub-section (1) of section 23A.

No.

Notice is hereby given to all registered practitioners whose names are included in the register maintained under section 21 of the Maharashtra Medical Practitioners’ Act, 1961, that they have to make an

application to the undersigned for the continuance of their names on register as provided under clause (b) of sub-section (1) of section 23-A of the said Act

A separate individual notice alongwith the prescribed form of application is being sent under certificate of posting to each registered practitioner at his address as entered in the register. The application form should be returned to the undersigned duly completed immediately and in any case not later then forty-five days of the receipt of such individual notice. Any practitioner who does not receive the individual notice alongwith the prescribed form of application may obtain it from the undersigned. If any practitioner fails to return the application filled and duly completed within the time specified above, he will have to pay the fee of five rupees with his application after the due date.

Registrar,
Maharashtra Council of Indian Medicine.

144, M.G. Road, Esplanade Mansion,
Fort, Bombay 400 001".

12. In form 'G' appended to the principal rules,—

(a) in the title the words, brackets and figure "read with sub-section (2)" shall be deleted;

(b) the word "enlisted" wherever it occurs shall be deleted;

(c) the word "list" wherever it occurs shall be deleted.

13. After form 'G' appended to the principal rules, the following form 'GG' shall be inserted, namely :—

"FORM 'GG'

(Rule 15).

Second General Notice under clause (b) of sub-section (1) of section 23-A.

No.

Notice was given to all registered practitioners whose names are included in the register maintained under section 21 of the Maharashtra Medical Practitioners Act, 1961 (vide No..... dated....., published in the Maharashtra Government Gazette, Part dated and in the newspaper viz. dated.....) to send their applications to the undersigned for continuance of their names on the register. Individual notices with the application form were also despatched under certificate of posting to each registered practitioner at his address as entered in the register.

This second General notice is now given to all the registered practitioners who have not so far returned the application form duly completed to the undersigned, to return them within the time specified in the notice sent to them, applications sent after that date will be accepted only on payment of a fee of five rupees alongwith their applications.

Further individual notice alongwith the application is also being sent under certificate of posting to each registered practitioner whose application is not received by the undersigned within the time allowed specifying the further period of thirty days from the date of receipt of

the further notice during which the applications will be received only if accompanied by a fee of five rupees. The names of practitioners who fail to send their applications alongwith the fee of five rupees during the further period of thirty days allowed, will be removed from the register as defaulters.

Registrar

Maharashtra Council of Indian Medicine.

144, M.G. Road, Esplanade Mansion,
Fort, Bombay 400 001".

14. In form 'B' appended to the principal rules,—

- (a) in the title of the notice,—
- (i) the word "enlisted" shall be deleted;
- (ii) the word "List" shall be deleted;
- (iii) the words, brackets and figure "read with sub-section (2)" shall be deleted;
- (b) in the sentence within the brackets under the word 'To', the word "list" occurring after the word "register" shall be deleted;
- (c) the words, brackets and figure "read with sub-section (2)" occurring after the words brackets and figure "sub-section (1)" shall be deleted;
- (d) the word "list" occurring the word "register" shall be deleted.

15. In form 'I' appended to the principal rules—

- (a) in the title the word 'list' occurring after the 'register' shall be deleted;
- (b) the word 'list' whenever it occurs after the word 'register' shall be deleted;
- (c) in item No. 3 of the necessary particulars, the word "Enlistment", occurring after the word "Registration", shall be deleted;
- (d) the words "A fee of fifty rupees has been sent" shall be deleted;
- (e) in instruction No. (1) the word "enlistment" shall be deleted;
- (f) in instruction No. 3, for the words "by the enlisted practitioners", the word and figures "Part III" shall be substituted;
- (g) instruction No. (5) shall be deleted.

16. In form 'J' appended to the principal rules,—

- (a) in the title of the form,—
- (i) the word "Enlisted" shall be deleted.
- (ii) the word "List" shall be deleted;
- (iii) the words, brackets and figure "read with sub-section (2)" shall be deleted;
- (b) the words "or list" in the bracketed sentence shall be deleted;
- (c) in para 1,—
- (i) the words, brackets and figure "read with sub-section (2)" shall be deleted.
- (ii) the word "list" wherever it occurs after the word "register" shall be deleted;

17. In form 'K' appended to principal rules,—

- (a) the word "list", wherever it occurs, shall be deleted;
- (b) in item No. 3 of the particulars the word "Enlistment" occurring after the word "Registration", shall be deleted;

- (c) the words "fifty rupees and additional fee of" shall be deleted;
- (d) in instruction No. (1), the word "enlismment" occurring after the word "registration", shall be deleted;
- (e) in instruction number (3), for the words "by the enlisted practitioners" the word and figures "part III" shall be substituted;
- (f) in instruction No. (5), the words "rupees fifty with additional fee of" shall be deleted.

18. In form 'L' appended to the principal rules,

- (a) In the title,—
 - (i) the word "enlisted" occurring after the "registered" shall be deleted;
 - (ii) the word "list" occurring after the word "register" shall be deleted;
 - (iii) the words, brackets and figure, "read with sub-section (2)" shall be deleted;
- (b) in the body of the notice,—
 - (i) the words brackets and figure, "read with sub-section (2)" shall be deleted.
 - (ii) the word "list" occurring after the word, "reg'ster" shall be deleted.

19. In form 'M' appended to the principal rules,—

- (a) in the title, the word "list" shall be deleted;
- (b) the word "list" wherever it occurs, shall be deleted;
- (c) in item No. 3 of the particulars the word "Enlismment" occurring after the word "registration" shall be deleted;
- (d) after item No. 6, the following item shall be inserted, namely :—

"(7) Address of practice/employment";

- (e) in instruction No. 3, for the words 'the enlisted practitioner' the word and figures "Part III" shall be substituted

20. After form 'M' appended to the principal rules, the following form 'N' shall be added, namely :—

"FORM 'N'"

[See rule 4(7)]

Form of application for certificate of registration under sub-section (2) of section 23 A of the Maharashtra Medical Practitioners' Act, 1961.

To

The Registrar,
Maharashtra Council of Indian Medicine,
144, Mahatma Gandhi Road, Esplanade Mansion,
Fort, Bombay 400001.

Dear Sir,

I hereby request you to issue a fresh certificate of registration under sub-section (2) of section 23 A of the Maharashtra Medical Practitioners Act, 1961. My particulars are stated below :—

- (1) Name in full (beginning with surname in Block capitals).
- (2) Maiden name and surname if the applicant is a married woman (in block capitals beginning with surname).
- (3) Certificate number and date of earlier registration.
- (4) Residential address (in Block capitals)
- (5) Address of practice/employment.

2. I forward herewith the certificate of registration possessed by me in original

3. The fee of Rs. 5 (Rupees five only) is paid in cash/remitted by by postal order/money order”.

Place :

Date :

Yours faithfully,
(Signature of the Applicant).

INSTRUCTIONS

1. All particulars in this application form must be filled in by the applicant in neat hand or may be typed. Incomplete applications are liable to be rejected.

2. A fee of Rs. 5 for issue of a fresh certificate of registration should be paid to the Registrar, Maharashtra Council of Indian Medicine, Bombay, in cash or may be sent by money order or crossed Indian Postal Postal Order, When the fee is sent by money order, the postal receipt should be attached to the application.”.

Published in the Maharashtra Government Gazette, Part IV-Aa,
dated July 14, 1983.

REVENUE AND FORESTS DEPARTMENT

No RGN. 1080/CR-319/MI. *Mantraya, Bombay 400 032, dated the July, 1983.*—The following rules further to amend the Maharashtra Registration Rules, 1961, made by the Inspector General of Registration for the State of Maharashtra, in exercise of the powers conferred upon him by clause (ggg) of sub-section (1) of section 69 of the Registration Act, 1908 (XVI of 1908), in its application to the State of Maharashtra, and of all other powers enabling him in this behalf, having been approved by the Government of Maharashtra, are hereby published under sub-section (2) of the said section for general information, namely :—

1. These rule may be called the **Maharashtra Registration (Amendment) Rules, 1983.**

2. In the Maharashtra Registration Rules, 1961 (hereinafter referred to as “the principal rules”),—

in rule 86, for the words and letters “in Forms AD, AE or AF, as the case may be”, the words and letters “in Form AD” shall be substituted.

3. For Forms “AD” “AE” and “AF” appended to the principal rules, the following forms shall be substituted, namely :—

FORM AD

Sub-Registry Office.

Book No.

Volume No.

Certified that this book contains serial numbers.....
to..... of the year.....with the exception
of the following :—

Serial Number	Written in manuscript		Entered in Book Number 3 or 4.
	Volume	Page.	

Certified that this book contains following serial number pertaining to the year.....

Sub-Registrar."

Published in the Gujarat Government Gazette, Part IV-B,
dated 9th June, 1983

REVENUE DEPARTMENT

No. GHM-82-170-(A)M-LRR-7812-6485-K. *Sachivalaya, Gandhinagar, 28th March, 1983.*—Whereas certain draft rules further to amend the Gujarat Land Revenue Rules, 1972, were published as required by Sub-section (2) of section 214 of the Bombay Land Revenue Code, 1879 (Bombay V of 1879), at pages 122-1 to 122-2 of the Gujarat Government Gazette Extraordinary, Part IV-B, dated the 18th June, 1982, under the Government Notification, Revenue Department, No. GHM-82-148-M-LRR-7812-9485-K, dated 18th June, 1982 inviting objections and suggestions till the 17th July, 1982, from all persons likely to be affected thereby.

And whereas no objections and suggestions were received to said draft Notification before the expiry of the period specified in the aforesaid notification ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the section 214 of Bombay Land Revenue Code, 1879 (Bom. V of 1879), and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the Gujarat Land Revenue Rules, 1972, namely :—

1. These rule may be called the Gujarat Land Revenue (Amendment) Rules, 1983.

2. In the Gujarat Land Revenue Rules, 1972, in rule 68, in sub-rule (1), for the words "fifty rupees", the words "one hundred fifty rupees", shall be substituted.

FINANCE DEPARTMENT

No. (GHN-32)(A)-GST-1083/(S-1)(5)-TH. *Sachivalaya, Gandhinagar, 28th March, 1983.*—In exercise of the powers conferred by sub-section (2) of section 1 of the Gujarat Sales Tax (Second Amendment) Act, 1983 (Guj. 7 of 1983), the Government of Gujarat hereby appoints 1st April, 1983, as the date on which the said Act shall come into force.

Published in the Gujarat Government Gazette, Part IV (B),
No. 23, dated 9th June, 1983.

HOME DEPARTMENT

No. GHN-95(A) MNR-1081-3133(2)-A. *Sachivalaya, Gandhinagar, 2nd April, 1983.*—In exercise of the powers conferred by sub-section (2) of section 1 of the Gujarat Entertainments Tax (Amendment) Act, 1983 (Guj. 10 of 1983), the Government of Gujarat hereby appoints 8th April, 1983 as the date on which the said Act shall come into force.

FINANCE DEPARTMENT

No. (GHN 38(A)GSR 1083/(37). *Sachivalaya, Gandhinagar 30th March, 1983.*—Whereas the Government of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to

amend the Gujarat Sales Tax Rules, 1970 and to dispense with the previous publication thereof;

Now, therefore, in exercise of the powers conferred by section 86, read with sections 15A, 19A, 19B, and 30B of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, as follows, namely:—

1. These rules may be called the **Gujarat Sales Tax (Second Amendment) Rules, 1983.**

2. In the Gujarat Sales Tax Rules, 1970 (hereinafter referred to as "the said rules"), after rule 8, the following new rule shall be inserted, namely:—

"8A. Furnishing of security.—(1) Every dealer required in accordance with the provisions of sub-section (1) or sub-section (2) or sub-section (5) or sub-section (7) of section 30B of the Act to furnish security or as the case may be, additional security shall—

(i) furnish a bond executed by himself in Form 1A with one surety acceptable to the authority who passes the order under the said sub-section (1) or (2) of section 30B for such sum as the authority may specify in the order in this behalf and the surety shall execute a bond in Form 1A, or

(ii) deposit Government securities in the form of stock certificates, or Government promissory notes of a market value of not less than the sum as may be specified in the order or National Savings Certificates, National Plan Savings Certificates or Treasury Savings Certificates of the face value of not less than the said sum, duly endorsed in favour of the Commissioner, or

(iii) furnish to the Commissioner, the guarantee of a bank approved by Government in this behalf, agreeing to pay to the Commissioner on demand such sum not exceeding the amount as may be specified in the order, or

(iv) deposit with the Commissioner in case such sum as may be specified in the order.

(2) where by reason of an order under sub-section (6) of section 30B the security furnished by any dealer is rendered insufficient he shall make up the deficiency by furnishing security or as the case may be, additional security in the manner specified in sub-rule (1) within 30 days of the order under the said sub-section (6) of section 30B.

(3) Where the bank guarantee furnished by the dealer is for a specified period, the dealer shall furnish a fresh bank guarantee or any other security specified in sub-rule (1) before the expiry of the said bank guarantee."

3. In the said rules, in rule 42—

(i) in the heading appearing after condition (4), for the words, figures and brackets "Extent of drawback, set off etc. shall be the amount calculated in accordance with clauses (A) and (B) hereunder subject to the proviso", the words, figures and brackets "Extent of drawback, set off etc. shall be the amount calculated in accordance with clauses (A) and (B) hereunder, subject to the provisos" shall be substituted ;

(ii) after sub-clause (ii) of clause (B),— (a) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that the aggregate of the amounts, if any, calculated in accordance with clauses (A) and (B) above, shall be granted to the assessee after deducting therefrom one per cent of the purchase price of the goods considered for the grant of set off under the above stated clauses (A) and (B)”;

(b) in the existing proviso, for the words “Provided that”, the words “Provided further that” shall be substituted.

4. In the said rules, in Form 27, in part IV—

(i) in the heading, for the figures, “15, 16, 18, 19, 20”, the figures and letters “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted;

(ii) after item (13), the following new item shall be inserted, namely:—

“(13A) Total amount of purchases liable to purchase tax under section 15A.”;

(iii) after item (16), the following new items shall be inserted, namely:—

“(16A) Total amount of purchases liable to purchase tax under section 19A,

(16B) Total amount of purchases liable to purchase tax under section 19B.”

5. In the said rules, in Form 27A, in part IV,—

(i) in the heading for the figures “15, 16, 18, 19, 20”, the following figures and letters, “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted;

(ii) after item (3), the following new item shall be inserted, namely:—

“(3A) Total amount of purchases liable to purchase tax under section 5A”;

(iii) in item (4), for the figures “19, 20”, the letters and figures “19, 19A, 19B, 20” shall be substituted.

6. In the said rules, in Form 28A in part IV—

(i) in the heading for the figures “15, 16, 18, 19, 20”, the following figures and letters “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted;

(ii) after item (11), the following new item shall be inserted, namely:—

“(11A) Levy of purchase tax under section 15A”;

(iii) (a) in item 13,

(a) in the heading for the figures “18, 19, 20” the figures and letter “18, 19, 19A, 19B, 20” shall be substituted;

(b) for sub-item (1), the following shall be substituted, namely:—

“(1) Amount of purchase price liable to purchase tax under section 15A;

(1A) Amount of purchase price liable to purchase tax under Section 18.”

(c) after sub-item (2), the following new sub-items shall be inserted, namely:—

“(2A) Amount of purchase price liable to purchase tax under section 19A;

(2B) Amount of purchase price liable to purchase tax under section 19B”;

(iii) in item (14), for the figures “15, 16, 18, 19, 20” the figures and letters “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted.

7. In the said rules, in Form 39, in part IV,—

(i) in the heading for the figures “15, 18, 19, 20”, the figures and letters “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted;

(iii) after item (13), the following new item shall be inserted, namely:—

“(13A) Total amount of purchases liable to purchase tax under section 15A”;

(iii) after item (16), the following new items shall be inserted namely:—

“(16A) Turnover of purchases liable to purchase tax under section 19A.”;

(16B) Turnover of purchases liable to purchase tax under section 19B.”;

(iv) In item (19), for the figures “15, 16, 18, 19, 20”, the following figures and letters “15, 15A, 16, 18, 19, 19A, 19B, 20” shall be substituted.

8. In the said rules, after form 1, the following new form shall be inserted namely:—

“FORM 1A
(omitted)

Published in the Gujrat Government Gazette, Part IVA, No. 24
dated 16th June, 1983

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. GTH/83/II/GHP-1082-3806-D.—Sachivalaya, Gandhinagar, 13th April, 1983.—Whereas the Government of Gujrat is of the opinion that it is necessary and expedient so to do for maintaining supplies of wheat and for securing its equitable distribution and availability at fair price;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India, Ministry of Agriculture, (Department of Food) No. GLR-800, dated 9th June, 1978 and with the prior concurrence of the Central Government, the Government of Gujrat hereby makes the following Order, namely:—

1. *Short title, extent and commencement.*—(1) This Order may be called the Gujarat Wheat (Procurement) Order, 1983.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. *Definitions.*—In this order, unless the context otherwise requires—

(a) 'export' means to take or cause to be taken by any means whatsoever, from any place in the State of Gujarat to any place outside the State;

(b) "Form" means a form appended to this Order;

(c) 'Purchase Centre' means—

(i) any place in the City of Ahmedabad as constituted under the Bombay Provincial Municipal Corporations Act, 1949 notified as such by the Food and Civil Supplies Controller, Ahmedabad.

(ii) Any place in any area not being the area of the City of Ahmedabad notified as such by the Collector of the district in which such area is situated.

(d) 'Purchase Officer', means—

(i) in relation to the City of Ahmedabad constituted under the Bombay Provincial Municipal Corporations Act, 1949, the Food & Civil Supplies Controller, Ahmedabad;

(ii) in relation to any other area the Collector of a District having jurisdiction over that area and includes any person or body of persons whether incorporated or not authorised by an order in writing by the Food and Civil Supplies Controller, Ahmedabad, or, as the case may be, the Collector to perform the functions of a purchase officer within the area of his jurisdiction, on such terms and conditions as may be specified in the order;

(e) "relevant purchase price" means one hundred and fifty one rupees per quintal of wheat of fair average quality where the different refractions do not exceed the percentage specified at serial No. 1 in the Table in the Schedule and one hundred forty nine rupees per quintal of wheat of fair average quality where different refractions exceed the percentage specified at serial No. 1 in the said Table but does not exceed the percentage specified at serial No. 2 in the said Table, sold and delivered at the purchase centre inclusive of the cost of transport but exclusive of the price of gunny bag in which the wheat is contained, subject to reduction in accordance with the provisions of the Schedule;

Explanation.—Wheat shall be deemed to be of fair average quality if it is in sound merchantable condition, sweet, dry, clean, wholesome, of good food value, uniform in colour and size of grain and free from moulds, living insects, smell, discolourations, admixture of deleterious substances or colouring agents and impurities except to the extent indicated in the Schedule;

(f) 'Schedule' means a Schedule appended to this Order

(g) 'State Government' means the Government of the State of Gujarat;

(h) 'Wheat receipt' means a receipt issued by the purchase Officer under clause—4.

3. *Sale of wheat to purchase Officer.*—Whenever any person is about to export wheat such person shall before he exports wheat, sell to the purchase officer at the centre at the relevant purchase price, such quantity of any variety of wheat (irrespective of whether such variety is similar to the one of the wheat intended to be exported, as is equivalent to the quantity of wheat about to be exported.

4. *Issue of wheat receipt.*—The purchase officer shall issue a wheat receipt in Form 'A' for quantity of wheat sold to him under clause 3.

5. *Person entitled to export on production of Certificate.*—(1) A person to whom a wheat receipt is issued shall obtain a certificate in Form 'B' from the Deputy Food and Civil Supplies Controller, Ahmedabad, Mamlatdar, or as the case may be Mahalkari having jurisdiction over the area in which the purchase centre referred to in wheat receipt is situated, on production of the wheat receipt before the concerned officer, by such person.

(2) The person having a certificate obtained under sub-clause (1) shall be entitled to export the quantity of wheat equivalent to such quantity of any variety of wheat as is mentioned in the wheat receipt.

(3) The person to whom a certificate is issued under sub-clause (1) shall ensure that the certificate is made available to any authority in the State whenever demanded by it, for the implementation of this order.

6. *Liability of purchase officer to make over stock collected to Government.*—Where any person or body of persons has been authorised to perform the functions of a purchase officer in pursuance of sub-clause (d) of clause 2, then such purchase officer shall immediately after the purchases are made at the purchase centre, deliver the quantity of wheat so purchased to such place of storage as may be fixed within the city of Ahmedabad, by the Food and Civil Supplies Controller, Ahmedabad, and within any area, not bring the area of the City of Ahmedabad, of a district by the Collector of District.

7. *Disputes as to quantity, quality or price of wheat.*—If any disputes arises as to the quantity, quality or price of wheat sold and delivered by a person under this order it shall be decided by the collector of the district or the Food and Civil Supplies Controller Ahmedabad city as the case may be, and the decision so given shall be final.

8. *Power of entry, search and Seizure, etc.*—(1) Any Civil Supplies Officer not below the rank of a Supply Inspector, any Revenue Officer not below the rank of a Deputy Mamlatdar, or any Police Officer not below the rank of a Sub-Inspector and any officer not below the rank of a Class-II Gazetted Officer authorised by the State Government in this behalf, may with a view to securing compliance with this Order and to satisfying himself that this Order has been complied with,—

(i) enter and search any premises, vehicle, vessel or other conveyance with such assistance as may be necessary ;

(ii) ask of any person all necessary question ;

(iii) examine any book or documents ;

(iv) search and so far as may be necessary for that purpose, detain any person or seize—

(a) any stock of wheat in respect of which he has reason to believe that a contravention of any of the provisions of this Order has been, is being or i. e., about to be committed.

(b) any package, conveying or receptacle in which such wheat is found,

(c) any animal, vehicle, vessel or other conveyance used in carrying such wheat if he has reason to believe that such animal, vehicle, vessel or other conveyance is liable to be forfeited under the provisions of the Act,

(d) any books of accounts or documents which in the opinion of such officer may be useful or relevant to any proceeding under the Act and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extract therefrom in the presence of an officer having the custody of such books of accounts or documents.

(v) take, or cause to be taken, the weight or measure of all or any of the stocks of wheat found in any place,

(vi) direct by an order in writing any person who owns or is in possession of any stock of wheat in respect of which he has reason to believe that a contravention of the provisions of this Order has been or is being or is about to be committed, not to remove or dispose of in any manner such stock of wheat and the package, conveying or receptacle in which such wheat is found and any animal, vehicle, vessel or other conveyance used in carrying such wheat without further direction from the officer making such order.

(2) The provisions of section 100 of the Code of Criminal Procedure 1973 (Act 2 of 1974) relating to search and seizure shall apply to search and seizure under this clause also:

Provided that if any such place or premises be found locked or unoccupied or unattended by or on behalf of the owner or occupier, the same may, in the presence of two witnesses be broken open and entered into for all or any of the purposes aforesaid.

9. *Power to exempt.*—(1) The State Government may, if it is necessary in the public interest so to do, by general or special order, exempt any person or class of persons or body of persons whether incorporated or not from the operation of all or any of the provisions of this Order, for such period and subject to such conditions, if any, as may be specified in such order, and may at any time suspend or rescind such exemption.

(2) (a) Nothing in this Order shall apply to sale of wheat by or on behalf of—

- (i) the Central Government ; or
- (ii) the State Government ; or
- (iii) the Food Corporation of India.

(b) The export of wheat—

- (i) not exceeding five kilograms in weight in the aggregate by a bonafide traveller as part of his luggage; or
- (ii) on Government account; or
- (iii) under and in accordance with Military credit Notes.

shall not impose liability on the person so exporting wheat to sell wheat as required by clause 3 of this Order

SCHEDULE

(See clause 2 (e))

Specifications for wheat of all varieties.

Wheat shall—

(a) be the dried mature grains of indigenous red, dara, other maxican and superior indigenous farm varieties viz., Triticum Valgare, T. Compectum, T Sphactescum, T. Duram, T. Aestevum, and T. Dicoecum ;

(b) have natural size, shape and colour;

(c) be sweet, clean, wholesome and free from moulds, living insects, smell, discoloration, admixture, of deleterious substances including toxic weed seeds and other impurities except to the extent indicated in the table below;

(d) be in sound merchantable condition;

(e) not have any admixture of pesticide, fungicide, and any obnoxious deterious and toxic material and;

(f) conforms to the provisions of the Provention of Food Adult-eration Act, 1954 and the rules made thereunder.

TABLE

Specifications for wheat showing maximum permissible limits of different refractions for the marketing season 1983-84.

Grade	Foreign matter	Other Foodgrains %	Damaged grains %	Slightly damaged grans %CE	Shrivelled broken grains%
Grade 1	0.75	6.00	2.00	5.00	6.00
Grade 2	1.50	10.00	3.00	10.00	12.00

1. Moisture in excess of 12% upto 14% shall be discounted at full value

2. The price cut for moisture will be in addition to the grade cut.

(3) For weevilled grains following price cuts in addition to other cuts shall be imposed :—

(i) from the beginning of the season till the end of August, the rate of cut shall be Re. 1 per quintal, for every 1% or part thereof.

(ii) From 1st September till end of October, no cut shall be imposed upto 1% while for any excess the cuts shall be at the rate of Re. 1 per quintal, for every 1% or part thereof.

(iii) From 1st November till end of the season no cut shall be imposed upto 2% while for any excess the cut shall be Re. 1 per quintal, for every 1% or part thereof

(iv) Stocks containing weevilled grains in excess of 3% shall be rejected.

4. In case of stocks having living infestation a cut at the rate of fifty paise per quintal may be charged as fumigation charges.

Definitions :—

Foreign matter—Includes organic and inorganic matter. The inorganic matter shall include sand, gravel, dirt, pebbles, stones, lumps of earth clay and iron particles etc. The organic matter shall include haff, weed seeds, straw and other inedible grains.

Shrivelled grains.—Kernels or pieces of Kernels that are not fully developed.

*Broken*s.—Pieces of Kernels that are less than three fourth of the size of full kernels.

Weevilled grains.—Kernels that are partially or wholly bored.

Slightly damaged grains.—Kernels or pieces of kernels that are discoloured superficially so as not to affect the quality of the material

Damaged grains.—Kernels or pieces of kernels that are sprouted or internally damaged as a result of heat, microbes, moisture or weather.

Other Food Grains.—Any foodgrains other than wheat.

FORM 'A' & B

(Omitted)

Published in the Maharashtra Government Gazette, Extraordinary,
Part IV (Ba) dated June 16, 1983

REVENUE AND FORESTS DEPARTMENT

No. FND. 1283/CR-21/83/F-1—*Mantralaya, Bombay 400 032, dated the 15th June 1983*—In exercise of the powers conferred by sub-sections (1) and (2) of section 7 of the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982 (Mah XVI of 1983), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 7, namely :—

1. *Short Title.*—These rules may be called the **Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Rules, 1983.**

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982 (Mah. XVI of 1983);

(b) “Forest Development Corporation” means the Forest Development Corporation of Maharashtra Limited, being a private Company within the meaning of the Companies Act, 1956 (1 of 1956) and having its registered office at Nagpur in the State of Maharashtra;

(c) “section” means a section of the Act;

(d) “Supply Year” means a period of twelve months commencing from the 1st October of a calendar year and ending on the 30th September of the next calendar year, but in case where the price of rate for sale or supply of a forest-produce is revisable under an agreement from a date other than the 1st October, then the period of twelve months shall be deemed to commence from such other date;

(2) Words and expressions used, but not defined in these rules shall have the meanings respectively assigned to them under the Act.

3. *Notice of amendment proposed in agreement.*—(1) Before amending any agreement under section 3, the State Government shall give a written notice to the concerned purchaser in respect of the amendment proposed to be made in the agreement, calling upon the said purchaser to show cause, within thirty days from the date of receipt of notice, against the proposed amendment. The said notice shall also specify the proposed date of commencement of the amendment.

(2) Where the amendment proposed to be made in the agreement relates to the revision of the price or rate and sale or supply of forest-produce fixed in an agreement, a note explaining the basis of determi-

nation of the market value under section 4 shall be sent to the purchaser alongwith the notice.

(3) The State Government shall consider the representation, if any, received by it from the purchaser within the stipulated period, in response to the show cause notice under sub-rule (1), and decide whether the proposed amendment shall be effected with or without any modification;

Provided that no modification, which is more unfavourable to the purchaser than the amendment proposed under sub-rule (1) shall be made without giving him a reasonable opportunity of being heard.

(4) If the State Government decides to effect any amendment in the agreement, the decision to that effect shall be declared by an order to be published in the Official Gazette, and a copy thereof shall be sent to the purchaser.

4. Determination of market value under section 4.—(1) The market value of the forest-produce shall be determined by the State Government, after taking into consideration, the following factors, namely :—

(a) the sale prices obtained in the open and negotiated sales of such forest-produce effected by or on behalf of the State Government or the Forest Development Corporation within the State during a period of twelve months preceding six months prior to the date of commencement of the supply year :

Provided that, where no such sale was held in the State of Maharashtra during the said period of twelve months, or the number, nature or magnitude of sales transactions that have taken place during that period is not, in the opinion of the State Government, adequate for the purpose of determining the market value, the State Government shall take into consideration the sale prices obtained in such sales held during a period of twenty-four months preceding the period of six months prior to the date of commencement of the supply year.

Provided further that if, in the opinion of the State Government, the quantity of forest-produce involved in a sale is too small or insignificant to serve a representative instance for the determination of the market value, the State Government may, having regard to the facts and circumstances of the case, ignore such sale ;

(b) the weightage to be given to the quantities involved in the sales referred to in clause (a) where there is more than one sale ;

(c) the general trend in the price of the forest-produce since the dates of sales referred to in clause (a) ;

(d) the weightage to be given to the proximity or otherwise of the areas, where the sales referred to in clause (a) have taken place, to the areas from where the supply of forest-produce is to be made to the purchase ; and

(e) any other factor which, in the opinion of the State Government, is relevant to the determination of the market value.

(2) Where no sale of a forest-produce has taken place within the State, during the period referred to in clause (a) of sub-rule (1), the market value of the forest-produce shall be determined by the State Government, taking into consideration the open and negotiated sales

transactions of such forest produce effected in one or more of the States adjoining the State of Maharashtra but keeping in view, as far as possible, the factors mentioned in sub-rule (1).

Explanation.—For the purposes of this rule “open sales” shall include sales effected by public auctions or by inviting public or limited tenders, and “negotiated sales” shall exclude sales in which the price or the rate for sale or supply is fixed by the supplier under a pre-existing agreement.

Published in the Maharashtra Gazette, Part IV-Ba,
dated July 14, 1983.

HOME DEPARTMENT

No STC. 5283/TRA-1 (*Mantralaya, Bombay 4000032, dated the 6th July 1983.*—In exercise of the powers conferred by section 44 read with sub-section (2) of section 8 of the Road Transport Corporations Act, 1950 (LXIV of 1950), and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules further to amend the Bombay State Road Transport Corporation Rules, 1952, namely :—

1. These rules may be called the **Bombay State Road Transport Corporation (Amendment) Rules, 1983.**

2. After rule 4 of the Bombay State Road Transport Corporation Rules, 1952, the following rule shall be inserted, namely :—

“4A. *Termination of appointment of Director.*—The State Government may terminate the appointment of any Director after giving him one month’s notice in writing in accordance with the provisions of sub-section (2) of section 8.”.

HOME DEPARTMENT (SPECIAL)

No. SPL. 3(A)/PSA. 0181/61.—(*Mantralaya, Bombay 400 032, dated the 2nd July 1983.*—In exercise of the powers conferred by clause (a) of section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), the Government of Maharashtra hereby makes the following Order further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Maharashtra Conditions of Detention) Order, 1974, namely :—

1. This Order may be called the **Conservation of Foreign Exchange and Prevention of Smuggling Activities (Maharashtra Condition of Detention) (Amendment) Order, 1983.**

2. In clause 12 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Maharashtra Conditions of Detention) Order, 1974,—

(a) for sub-clause (i), the following shall be substituted, namely :—

“(i) A security prisoner shall be permitted to have an interview with any person other than a police officer after obtaining appointment from the Superintendent”;

(b) in sub-clause (ii), for the words “one per fortnight” the words “two per week” shall be substituted ;

(c) for sub-clause (iv), the following shall be substituted, namely;—

“(iv) Applications for appointment for interviews from persons other than police officers shall, as far as possible, be made to the Commissioner or the Superintendent, as the case may be, in Form ‘A’ appended to this Order.”;

(d) sub-clause (v) shall be deleted;

(e) in sub-clause (x),—

(i) the words “with the permission of the detaining authority” shall be deleted; and

(ii) for the words “No police officer” the words “No police officer or Customs Officer” shall be substituted.

Published in the Gujarat Government Gazette, Part IV-A No 29
dated 21st July, 1983

COOPERATION DEPARTMENT

No.GHKH/131/83(A)/CSK-1082-55.GH (*Sachivalaya, Gandhinagar 13th June, 1983* —In exercise of the powers conferred by paragraph (e) of sub-clause (1) of clause 6 of the Sugarcane (Control) Order, 1966 read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. GSB-1127-ESS Comm Sugarcane, dated the 16th July, 1966 and of all other powers enabling it in this behalf the Government of Gujarat hereby makes the following order further to amend the Gujarat Gur and Khandasari Sugar (Regulation of Production) Order, 1977, namely :—

1. (1) This Order may be called **Gujarat Gur and Khandasari Sugar (Regulation of Production) (Amendment) Order, 1983.**

(2) It shall come into force at once.

2. In the Gujarat Gur and Khandasari Sugar (Regulation of Production) Order, 1977 (hereinafter referred to as “the said order”) in clause, 6 in sub-clause (1).

the following proviso shall be added namely:—

“Provided that the said Secretary or the said Authority, as the case may be, may admit an appeal after the expiry of the said period if the appellant satisfies the said Secretary or the said authority that he had sufficient cause for not preferring an appeal within such period.

3. In the said Order, after clause 6, the following new clause shall be added, namely :—

“6A. *Revision.*—(1) The State Government, *suo motu* or on an application by the affected person, may call for and examine the record of any proceeding of the licensing authority or the appellate authority as the case may be, relating to grant of new licence, renewal of licence or revocation or suspension of licence, for the purpose of satisfying it self as to the legality or propriety of any order passed in such proceedings and if it shall appear to the State Government that such order or proceeding should be modified, annulled or reversed, it may pass such order thereon as it deems fit.

Provided that no order shall be made under this clause unless the person who is likely to be affected thereby has been given a reasonable opportunity of stating his case”.

Published in the Gujarat Government Gazette, Part IV-B, No. 28
dated July 14, 1983

CO-OPERATION DEPARTMENT

No. GH-KH-77 (A)/83/APM-1282/CHH (*Sacdtvalaya, Gandhinagar 17th April, 1983.*—Whereas certain draft rules further to amend the Gujarat Agricultural Produce Markets Rules, 1965 were published as required by Sub-section (4) of section 59, read with section 15 of the Gujarat Agricultural Produce Market Act, 1963 (Guj.) XX of 1964) at pages 21-1 to 21-2 of the Gujarat Government Gazette, Part IV-B, Extra-ordinary, dated 22nd January, 1983 under Government Notification, Cooperation Department No GHKH-13-83/APM-1282/CHH, dated the 20th January, 1983, inviting objections and suggestion from all persons likely to be affected thereby till the 19th February, 1983;

AND WHEREAS no objections or suggestions were received by the Government :

NOW, THEREFORE, in exercise of the powers conferred by Section 59 read with Section 15, of the Gujarat Agricultural Produce Market, Act, 1963 (Guj XX of 1964), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Agricultural Produce Markets Rules, 1965 namely :—

1. These rules may be called the Gujarat Agricultural Produce Markets (Amendment) Rules, 1983.

2. In the Gujarat Agricultural Produce Markets, Rules, 1965 (hereinafter referred to as “the said rules”), for rule 26, the following rule shall be substituted, namely :—

“26. *Filling in casual vacancies in market committee under section 15.*—Any vacancy in a Market committee under section 15 shall,—

(i) where the vacancy is of an elected member, be filled in the same manner as that for a general election within a period of three months from the date on which the vacancy occurs ;

(ii) where the vacancy is of a nominated member, be filled by nomination within a period of one months from the date on which the vacancy occurs.”

3. In the said rule, in rule 35, after sub-rule (5), the following new sub-rule shall be inserted, namely :—

“(5A) No decision of a market committee taken under sub-rule (5) shall be modified or annulled by the market committee within a period of three months from the date of the decision except where a motion therefor supported by member not less than two-third of the total number of members is moved.

Published in the Maharashtra Government Gazette, Part IV-Ba,
dated July 21, 1983

URBAN DEVELOPMENT DEPARTMENT

No. WPA. 1182/6/CR-127/UD-17 *Mantralaya, Bombay 400,032,*
dated the 5th July 1983—In exercise of the powers conferred by section

64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and in supercession of Government Notification, Urban Development and Public Health Department, No. WPB. 1571/67533/ENE-8, dated the 7th May 1976, the Government of Maharashtra after consultation with the Maharashtra Pollution Control Board, hereby makes the following rules, namely :—

CHAPTER I

PRELIMINARY

1. *Short title and Commencement.*—(1) These rules may be called the **Maharashtra Water (Prevention and Control of Pollution) Rules, 1983**.

(2) They shall come into on the date of publication of this notification.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) 'Act' means the Water (Prevention and Control of Pollution Act, 1974 (6 of 1974) ;

(b) 'Board' means the Maharashtra Pollution Control Board constituted under section 4 ;

(c) 'chairman' means the Chairman of the Board ;

(d) 'committee' means the Committee constituted under sub-section (1) of section 9 ;

(e) 'Government' or 'State Government' means the Government of Maharashtra ;

(f) 'member' means a member of the Board including its Chairman ;

(g) 'member-secretary' means the Member Secretary appointed by Government under clause (f) of sub-section (2) of section 4 ;

(h) 'section' means a section of the Act.

(2) The words and expressions used in these rules but not defined shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

TERMS AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE BOARD AND OF ITS COMMITTEES

3. *Terms and conditions of service of the part-time chairman.*—(1) The chairman shall be—

(i) paid an honorarium of Rs. 1,000 per month.

(ii) paid travelling allowance and daily allowance as are paid to Grade I Officer of the State Government.

(iii) provided a telephone at his residence for official use.

(iv) allowed to use office car for official purposes only.

(2) Where a Government servant is appointed as full-time chairman, the terms and conditions of his service shall be such as may be specified by the State Government in his order of appointment.

4. *Terms and conditions of service of member—secretary.*—The terms and conditions of service of the member-secretary including allowances payable to him shall be such as may be specified by the State Government in his order of appointment.

5. *Terms and conditions of service of members other than chairman, member-secretary and officials.*—(1) The member other than the chairman, the member-secretary and officials shall be paid meeting allowance of forty rupees for each day of the actual meeting of the Board or any of its committee.

(2) They shall also be entitled to such travelling and daily allowances as are admissible to a Grade I Officer of corresponding rank of the officer of the State Government.

6. *Fees and allowances to be paid to members of a committee (other than members) for attending its meetings.*—The members of a committee (other than the members not being officials), shall be paid to such fees and allowances as are admissible to the non-officials members of the Board for attending the meetings of the Board or for any other work assigned to them by the Board.

CHAPTER III

MEETINGS OF THE STATE BOARD AND ITS COMMITTEES

7. *Notice of meetings of Board*—(1) Every ordinary meeting shall be called once in every three months so as to comply with the provisions of section 8.

(2) The chairman shall either on his own as provided under proviso to section 8 or upon a written request of not less than seven members or upon a direction of the Government issue or cause to be issued a notice calling a special meeting.

(3) Seven clear days' notice from the date of despatch of an ordinary meeting and two clear days' notice of a special meeting shall be circulated to the members specifying the time and place at which such meeting is to be held and the business to be transacted thereat.

(4) The notice may be given to the members by delivering it by messenger, or by sending it to their last known place of residence or office.

(5) No member shall be entitled to bring forward for consideration of the meeting any matter of which he has not given five clear days' notice to the member-secretary unless the chairman, in his discretion, permits him to do so.

(6) The Board may adjourn from day to day or any particular day, and no fresh notice shall be required for any adjourned meeting.

(7) No proceeding shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

8. *Presiding authority of meeting of Board.*—Every meeting shall be presided over by the chairman, and in his absence, by a chairman for the meeting, to be elected by the members present from amongst themselves.

9. *All questions to be decided by majority at Board meeting.*—

(1) All questions at a meeting shall be decided by a majority of votes of the members present and voting. The voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding authority shall have a second or casting vote.

10. *Quorum at Board meeting.*—(1) Seven members shall form the quorum for a meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting and if a quorum is not present at the expiration of fifteen minutes from such adjournment the presiding authority shall adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) The business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting except with the permission of the presiding authority.

(5) No fresh notice shall be required for the adjourned meeting.

11. *Minutes of board meeting.*—(1) Record shall be kept of the names of members who attend the meeting of the Board and of the proceedings at meeting in a minute book to be maintained by the member-secretary.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding authority at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Board during office hours.

12. *Maintaining order at Board meeting.*—The presiding authority shall preserve order at a meeting and shall have all powers necessary for the purpose of enforcing his decision.

13. *Business to be transacted at Board meeting.*—Except with the express permission of the presiding authority, no matter, which is not on the agenda, shall be transacted at any meeting.

14. *Order of business in Board meeting.*—Except with the permission of the presiding authority, no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of the business for the day :

Provided that, in granting permission for priority for transacting any business, the presiding authority shall be guided by the majority of votes for and against such motion.

15. *Notice of meetings of committees.*—(1) The member-secretary of the committee in consultation with the chairman of the committee shall fix the time, date and place of the meeting of the committees as well as the business to be transacted thereat.

(2) Seven clear day's notice from the date of despatch of the meeting specifying the time, date and place of such meeting, and also the business to be transacted thereat, shall be circulated to the members of the committee.

(3) Such notice may be given to the members by delivering the same by messengers, or by sending it by post to their last known place of residence or office.

16. *Presiding authority of meetings of committee.*—Every meeting shall be presided over by the chairman of the committee and in his ab-

sence by a chairman for the meeting to be elected by the members present from amongst themselves.

17. *All questions to be decided by majority at committee meeting.*—

(1) All questions at a meeting of the committee shall be decided by a majority of votes of members present and voting which shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding authority shall have and exercise a second or casting vote.

18. *Quorum at committee meeting.*—(1) One-half of the existing members of the Committee shall form the quorum for its meeting, fractions being ignored. However, the quorum shall not be less than three

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the presiding authority shall adjourn the meeting of the committee and if a quorum is not present at the expiration of fifteen minutes from such adjournment, the presiding authority shall adjourn the meeting, to such hours on the following or on some other future date as he may fix

(3) The business which would have been brought before its original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be quorum present or not.

(4) No matter which had not been on the agenda of the meetings shall be discussed at such adjourned meeting except which the permission of the presiding authority.

(5) No fresh notice shall be required for the adjourned meeting.

19. *Minutes of committee meeting.*—(1) Record shall be kept of the names of members of the committee who attend the meeting in a minute book.

(2) The minutes of the previous meeting shall be read at the beginning of its every succeeding meeting, and shall be confirmed and signed by presiding authority at such meeting.

(3) The proceedings shall be open to inspection by any member of the committee at the office of the Board during office hours

20. *Maintaining order at committee meeting.*—The presiding authority shall preserve order at a meeting and have all powers necessary for the purpose of enforcing his decision

21. *Business to be transacted at committee meetings.*—Except with the express permission of the presiding authority, no matter which is not on the agenda, shall be transacted at any meeting of committees.

22. *Order of business in committee meeting.*—Except with the permission of the presiding authority, no business shall be transacted at any meeting of the committee otherwise than in the order in which it is entered in the order of the business for the day:

Provided that, in granting permission for priority for transacting any business the presiding authority shall be guided by the majority of votes for and against such motion.

CHAPTER IV

POWER AND DUTIES OF THE CHAIRMAN AND MEMBER SECRETARY OF THE BOARD, AND APPOINTMENT OF OFFICERS AND EMPLOYEES

23. *Powers and duties of the part-time Chairman.*—The Chairman shall exercise the powers and perform the duties as mentioned in Annexure-1.

42. *Powers and duties of Member-Secretary.*—The Member-Secretary, who shall be the Chief Executive of the Board, shall exercise the powers and perform the duties as mentioned in Annexure-2.

25. *Appointment of officer and employees by Board.*—The Board may, with the previous approval of the Government create such posts of officers and employees as it considers necessary for the efficient performance of its functions and make appointment in accordance with regulations framed by it subject to the prior approval of Government and may also, if necessary, abolish any post so created.

CHAPTER V

POWER AND FUNCTIONS OF THE BOARD

26. *Form of notice under section 21.*—The person taking samples under sub-section (1) of section 21 shall serve a notice in Form 'A' under clause (a) of sub-section (3) of the said section 21.

27. *Form of report of Board Analyst.*—The report of the result of the analysis to be submitted by the Board Analyst under sub-section (1) of section 22 of the Act shall be in Form 'B'.

28. *Application for consent under section 25.*—(1) An application for consent of the Board under sub-section (2) of section 25 of the Act shall be made to the State Board in Form 'C'.

(2) The fees for such an application shall be as prescribed in Schedule-1.

29. *Application for consent under section 26 read with section 25.*—An application for consent of the Board under section 26 of the Act read with section 25 of the Act shall be made, so far as may apply, in the same form in which application for consent is to be made under section 25.

30. *Procedure for making inquiry into application for consent.*—(1) On receipt of an application for consent under section 25 or section 26, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit the premises of the applicant to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place where water, sewage or industrial effluent is discharged by the applicant or treatment works and plants, purification work or disposal systems of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such water treatment plants, purification works or disposal systems or any part thereof, that he considers necessary.

(2) Such officer shall, before visiting any premises of the applicant for the purpose of inspection under sub-rule (1), give, as far as practicable, notice to the applicant of his intention to do so in Form 'D' and the applicant shall furnish to such officer all facilities that he may legitimately require for the purpose.

(3) The officer of the Board may before or after carrying out the inspection under sub-rule (1) require the applicant to furnish to him, orally or in writing such additional information or clari-

fication or to produce before him such documents as he may consider for the purpose of inquiry into the application and may, for purpose, summon the applicant or his authorised agent, to the office of the Board or to any of its regional or sub-regional offices.

CHAPTER VI

STATE WATER LABORATORY

31. *Functions of State Water Laboratory.*—The functions of the State Water Laboratory shall be—

(a) to analyse or test the samples of water from any stream or well or samples of any sewage or trade effluent or waste submitted to it under sub-clause (ii) of clause (d) of sub-section (3) of section 21 by the Board or any officer empowered by the Board in this behalf or sent by any private person or institution and to communicate to the Board or such officer or person or institution; as the case may be, the result of such analysis or test :

(b) to collect and analyse or test such samples of water from any stream or well or samples of any sewage or trade effluent or waste as it may consider necessary and to communicate the results to the Board;

(a) to analyse or test any such samples delivered to it by any person other than the Board or any officers, if it considers such analysis or test necessary and to communicate the results of such analysis to such person and to the Board;

(d) to advise the Board and the State Government in all matters relating to the Act;

(e) to advise the Board and the State Government in all matters relating to the prevention, abatement or control of pollution of streams in the State and measures required to be adopted for prevention, abatement or control of their pollution;

(f) to carry out such other functions for prevention, abatement and control of pollution of streams as may be directed by the State Government.

32. *Procedure for submission of samples for report of State Water Laboratory and fees.*—The procedure for the submission of the samples of water from any stream or well or of sewage or trade effluent or waste for analysis or test to the State Water Laboratory and the fees for every such report of the Board Analyst or the Government Analyst as the case may be, shall be as provided in Schedule-2.

33. *Form of report of Government Analyst.*—The report of the result of the analysis to be submitted by the Government Analyst under sub-section (3) of section 22 shall be in Form 'E'.

CHAPTER VII

APPEALS

34. *Memorandum of appeal under sub-section (3) of section 28.*—

(1) Every appeal against an order passed by the State Board to be filed by the aggrieved party under section 25, section 26 or section 27 of the Act shall be Form 'F'.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

- (3) (a) Every appeal shall—
- (i) be in writing;
 - (ii) specify the name and address of the applicant and the date of the order appealed against;
 - (iii) specify the date on which the order appealed against was communicated to the appellant;
 - (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;
 - (v) state precisely the relief prayed for; and
 - (vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf;
- (b) The fees for filing an appeal shall be Rs 100 and it shall be paid by appellant in the office of the Board.
- (c) Every such appeal shall be accompanied by—
- (i) an authenticated copy of the order appealed against;
 - (ii) a copy of the application made under sections 25, 26, and 27, as the case may be;
 - (iv) an authenticated copy of the receipt under which the prescribed fee has been paid by the appellant.
- (d) Every memorandum of appeal shall be submitted in quadruplicate and shall be presented to the appellate authority by either the appellant or his authorised agent or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such an agent.
- (e) On receipt of the memorandum of appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

35. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal under sub-section (3) of section 28.—

(a) The appellate authority shall, as soon as may be, after the memorandum of appeal is filed before it, fix a date for hearing of the appeal and give its intimation in Form 'G' to the appellant and the Member-Secretary. While giving such intimation to the Member-Secretary a copy of the memorandum of appeal together with its enclosures shall also be sent to the Member-Secretary and he shall be called upon to send the appellate authority, all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such material from the appellant or the Member-Secretary as it may deem fit. Such material shall form part of the record only after the party other than that from whom such record has been received, has been given an opportunity to peruse such record.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3), the appellant may, within 30 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary.

CHAPTER VIII

BUDGET, ANNUAL REPORT AND ANNUAL STATEMENT OF ACCOUNTS

26. *Form of the budget estimates*.—The budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Board shall be prepared by the Board in Form 'H' and submitted to the Government.

37. *Submission of Budget Estimate*.—(1) The budget estimates as compiled in accordance with rule 36 shall be placed by the Member Secretary before the Board by the 5th September each year for approval.

(2) Four copies of the budget proposals, as finally approved by the Board, shall be submitted to Government by the 15th September each year.

38. *Operation of the funds of the Board*.—The funds of the Board shall be operated by the Member-Secretary or in his absence by any officer of the Board who may subject to the approval of the State Government, be so empowered by the Board.

39. *Annual Report*.—The annual report for the outgoing financial year under section 39 shall be prepared by the Board by the first day of the month of July in Form 'I'.

40. *Annual Statement of Accounts*.—The annual statement of accounts to be prepared by the Board under sub-section (1) of section 40 shall be in Forms J-I, J-II, J-III, J-IV and J-V.

SCHEDULE 1

[See rule 29(2)]

Consent Fees for Industries

Serial No.	Order of Kilolitre of average water consumption per day	In Rs.
1	Below 10	200
2	10 to below 30	500
3	30 to below 500	1,000
4	500 to below 5,000... ..	2,000
5	5,000 to below 50,000	4,000
6	50,000 and above	10,000

Consent fees for local bodies

Serial No.	Population of the local body	In Rs.
1	Upto below 50,000...	500
2	50,000 to below 1,00,000	1,000
3	1,00,000 to below 5,00,000	2,000
4	5,00,000 to below 10,00,000	4,000
5	10,00,000 and above	10,000

SCHEDULE 2

(See rule 32)

Sr. No.	Test Fees in	Rs.	Sr. No.	Test Fees in	Rs.
1.	PH.	... 20	33.	Oil and grease	... 40
2.	Conductivity	... 15	34.	Cyanide	... 40
3.	Turbidity	... 20	35.	TKN.	... 40
4.	Total volatile solids	... 25			
5.	Total dissolve solids	... 25	36.	Detergents	... 40
6.	Suspended volatile solids	... 25	37.	Arsenic	... 45
7.	Chlorides	... 25	38.	Boron	... 45
8.	Hardness	... 25	39.	Cadmium	... 45
9.	Calcium	... 20	40.	Cobalt	... 45
10.	Sulphide	... 30	41.	Chromium	... 45
11.	Total solids	... 30	42.	Copper	... 45
12.	Dissolved solids	... 25	43.	Iron	... 45
			44.	Lead	... 45
13.	Acidity	... 20	45.	Mercury	... 45
14.	Alkalinity	... 20	46.	Nickel	... 45
15.	Dissolved oxygen	... 30	47.	Aluminium	... 45
16.	Sulphate	... 30	48.	Zinc	... 46
17.	Phosphate	... 20	49.	Carbon-Chloroform	... 45
18.	Nitrite	... 30		extract	
19.	Silica	... 20	50.	Parathion	... 45
20.	Residual chlorine	... 20	51.	Malathion	... 45
21.	Manganese	... 35	52.	Thimate	... 45
22.	KMn O ₄	... 20	53.	Sevin (carbaryl)	... 45
23.	Nitrate	... 30	54.	Demicron	... 45
24.	Sodium	... 30	55.	B.H.C.	... 45
25.	Potassium	... 20	56.	D.D.T.	... 45
26.	Magnesium	... 20	57.	Aldrin	... 45
27.	Suspended solids	... 30	58.	Endrin	... 45
28.	B.O.D.	... 40	59.	Barium	... 45
29.	Ammonia, (Free, saline, Alb.)	40	60.	Bismuth	... 45
30.	Fluoride	... 30	61.	Molybdenum	... 45
31.	C.O.D.	... 40	62.	Antimony	... 46
32.	Phenol	... 30	63.	Selenium	... 45

64. Barallium	... 45	70 Sodium per cent	... 80
65. Silver	... 45	71. Bacteriology Test	
66. Tin	... 50	MPN.	
67. Thallium	... 45	CT.	... 80
68. Venedium.	... 45	Plate count	
69. Lithium	... 45	72. Bio-assay Test	... 80

ANNEXURE 1

Powers and Duties of the Chairman

[See rule 23 (2)]

(Omitted)

ANNEXURE 2

Powers and Duties of the Member Secretary

(See rule 24)

(Omitted)

FORM 'A'

(See rule 26)

Maharashtra Pollution Control Board

[See section 23(3) (a) of the Act]

Notice of intention for collection and analysis of sample(s)

To

.....

 ;

Take notice that it is intended to collect and analyse the samples (s) of
 water/Sewage effluent/trade effluent today the

..... of.....
 19..... from (I).....

.....

 and have them analysed subsequently

Name and Designation of the person
 who takes the sample.

(1) Here specify the stream, well, plant, vessel or place from where
 the samples are to be taken.

FORM 'B'

(See rule 27)

Report by the Board Analyst

(Omitted)

FORM 'C'

Note.—To be submitted in triplicate and entries not relevant may
 be stricken out.

(See rule 28)

Application for Consent of the Maharashtra Pollution Control Board
 under section 25/26 of the Act.

From

.....

To

The Member secretary,
 Maharashtra Pollution Control Board.

.....

Sir,

1. I/We hereby apply for consent under section 25/section 26 of the Water (Prevention and Control of Pollution) Act, 1974 to bring into use any new or altered outlet for the discharge from land/premises owned by*..... for a period upto..... of sewage/trade effluent, to begin to make new discharge of sewage/trade effluent or continue to make discharge of sewage/trade effluent as under :—

- (a) Sewage/Sullage via drains/outfall treatment works.
- (b) Trade effluent via drains/outfall sewers/treatment works.
- (c) Solid wastes into—
 - (i) stream/river....., or
 - (ii) on land for irrigation, bearing survey No..... adjoining/at a distance of..... stream/river, or.....
 - (iii) lake, pond, adjoining/at a distance of..... stream/river or
 - (iv) directly on land for open percolation into sub-terranean strata of Survey No..... Adjoining/ at a distance of..... stream/river or
 - (v) tidal waters/estuarine waters known as..... or
 - (vi) see along/off the shore known as.....

2. The Annexure, appendices, other particulars and plans in triplicate are attached herewith.

3. I/We further declare that the information furnished in the Annexure, appendices, and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of change either of the point or the quantity of discharge or its quality, a fresh application for CONSENT shall be made until such CONSENT is granted, no change shall be made.

5. I/We hereby agree to submit to the Board, an application for renewal of CONSENT one month in advance of the date of expiry of the consented period for outlet discharge if it is intended to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called by the Board.

7. An amount of Rs..... as fee for this application has been paid in the Office of the Board vide receipt No..... dated....., an authenticated copy of which is attached as proof of payment.

Yours faithfully,

Signature.....
 Name of Applicant.....
 Address of Applicant.....

Dated .

Accompaniments :

FORM 'D'
 (See rule 30)

Maharashtra Pollution Control Board
 Notice of Inspection
 (Omitted)

FORM 'E'
 (See rule 33)
 Report by the Government Analyst
 (Omitted)

FORM 'F'
 (See rule 34)

BEFORE*..... APPELLATE AUTHORITY
 CONSTITUTED UNDER SUB-SECTION (1) OF SECTION 28 OF THE WATER
 (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974
 (6 OF 1974).

Memorandum of appeal of Shri.....Appellant;

versus

Maharashtra Pollution Control Board..... Respondent

The appeal of Shri.....
 Resident of
 District.....
 against the order..... dated.....
 passed by the Maharashtra Pollution Board under section 21/22 of the
 Water (Prevention and Control of Pollution) Act, 1974 sheweth as
 follows :—

(1) Under section 25/26 of the Water (Prevention and Control
 of Pollution) Act; 1974 (6 of 1974), the appellant has been granted
 consent subject to the condition mentioned in the consent order in
 respect of the land/premises falling under the..... Corporation/
 Municipal Council/notified area committee etc , noted below:—

- (a) Collectorate.....
- (b) Corporation.....
- (c) Municipal Council.....
- (d) Village Panchayat.....
- (e) Cantonment.....
- (f) Defence Department.....
- (g) Port Trust.....
- (h) State Government.....
- (i) Prohibited Area.....

*Here mention the name and designation of the Authority.
 A copy of the consent order in question is attached hereto.

- (2) The facts of the case are as under :
(Here briefly mention the facts of case).
- (3) The grounds on which the appellant relies for the purposes of this appeal are as below :—
(Here mention the grounds on which appeal is made).

1.

2.

3.

(4) In the light of what is stated above, the appellant respectfully prayeth that—

(a) the unreasonable condition (s)
imposed should be treated as annulled or it/they should be substituted
by other condition (s) namely
.....

OR

(b) the unreasonable condition (s)
should be varied in the following manner, namely
.....

An amount of Rs.
as for this appeal has been paid in the office of the Board vide receipt
No. dated, an authenticated copy of which
is attached as proof of payment.

Signature of the Appellant

(Name in Block Letters)

Occupation

Address

Dated :

VERIFICATION

I, ... (appellant's name) in the above
Memorandum of appeal/or duly authorised agent do hereby declare
that what is stated therein is true to the best of my knowledge and belief
and nothing has been hidden thereunder.

Signature

Name

(in block letters)

Occupation

Address

Dated :

Note: Strike out what is not applicable.

FORM 'G'

(See rule 35)

FORM OF NOTICE

(Omitted)

FORMS H, I, J 1 to JV

(Omitted)

Published in the Gujarat Government Gazette, Part IV-B, No. 32, dated August 8, 1983.

REVENUE DEPARTMENT

No. GHM-83-M-96(A)IRR-2171-109334-L.—(*Sachivalaya, Gandhinagar, 13th May, 1983.*—Whereas certain draft rules further to amend the Gujarat Land Revenue Rules, 1972, were published as required by sub-section (3) of section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) at pages 83-1 to 83-2 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated the 16th April, 1982, under the Government Notification Revenue Department No. GHM-82 93-M-LRR-2171-109334-L, dated the 16th April, 1982, inviting objections or suggestions till the 31st May, 1982 from all persons likely to be affected thereby :—

And whereas no such objections or suggestions were received during the period specified in the aforesaid notification,

Now, therefore, in exercise of the powers conferred by section 214 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the Gujarat Land Revenue Rules, namely :—

1. These Rules may be called the Gujarat Land Revenue (Amendment) Rules, 1983.

2. In the Gujarat Land Revenue Rules, 1972 (hereinafter referred to as "the said rules"), in rule 117-C, in sub-rule (i), for the words and figure "by the defaulter 2%" the words and figure "by the defaulter 5%" shall be substituted.

3. In the said rules, in form 'S' for the words and figure "the Bombay Land Revenue Code and 2%" the words and figure "the Bombay Land Revenue Code and 5%" shall be substituted.

REVENUE DEPARTMENT

No. GHM - 83/99(A)/M/ECL/1080/41.54/CHH. — (*Sachivalaya, Gandhinagar, 18th May, 1983*)—Whereas certain draft rules further to amend the Gujarat Agricultural Lands Ceiling Rules, 1961 were published as required by sub-section (1) of Section 53 of the Gujarat Agricultural Land Ceiling Act, 1960 (Guj XXVII of 1961) in the Gujarat Government Gazette, Extraordinary Part IV-B, dated the 15th March 1983 under Government Notification, Revenue Department No. GHM/83/43/M/ECL/1080/41454/CHH, dated 15th March, 1983, inviting objections and suggestions from all persons likely to be affected thereby, till 15th April, 1983.

And whereas no objections and suggestion have been received by the Government within the time limit prescribed therein;

Now, therefore, in exercise of the powers conferred by Section 53 read with clause (d) of Sub-section (1) of Section 3 of the Gujarat Agricultural Lands Ceiling Act, 1960 (Guj XXVII of 1961) the Government of Gujarat hereby makes the following rules further to amend the Gujarat Agricultural Land Ceiling Rules, 1961 namely :—

1. These rules may be called the Gujarat Agricultural Lands Ceiling (Amendment) Rules, 1983.

2. In the Gujarat Agricultural Lands Ceiling Rules 1961, in the Table below Rule 2A,—

- (i) in Column 2, for the heading “category of School” the heading “category Institution” shall be substituted,
- (ii) after item 10, the following item shall be inserted, namely :—

TABLE

Sr. No.	Category of Institution	Area of dry crop land.	
		Hectare	Approximate equivalent in Acre.
1	2	3	4
II	Any institution engaged in the extension education in the field of agriculture which is recognised by University or Indian Council of Agricultural Research or which is operating under a collaboration agreement with such recognised institution.	125	312

PANCHAYATS, HOUSING AND URBAN DEVELOPMENT DEPARTMENT

No. GH/P/161/82/RHB. 1381/2221-DH — *Sachivaya, Gandhinagar, 14th July, 1983.*—Whereas certain draft rules further to amend the Gujarat Rural Housing Board Rules, 1978 were published as required by sub-section (1) of section 68 of the Gujarat Rural Housing Board Act, 1972 (Guj. 22 of 1972) at pages 230-1, 230-2 of the Gujarat Government Gazette, Extra Ordinary Part IV-B dated the 5th November, 1982, under the Government Notification, Panchayats Housing and Urban Development Department No. GH/P/218/81/RHB 1381/2221-DH, dated the 26th October, 1982, inviting objections and suggestions from all persons likely to be affected thereby, till the 4th December, 1982 ;

And whereas no objections and suggestions have been received from the public by the Government in respect of the said draft rules ;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) of section 68 of the Gujarat Rural Housing Board Act, 1972 (Guj. 22 of 1972), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Rural Housing Board Rules, 1978, namely :—

1. These rules may be called the Gujarat Rural Housing Board (Amendment) Rules, 1983.

2. In the Gujarat Housing Board Rules, 1978, in rule 3, after sub-rule 3, the following shall be inserted, namely :—

“(3A) A chairman who is appointed to work not for the whole time may with the previous approval of the State Government, continue his residence at a place other than the headquarters of the Board and he shall be entitled to draw the travelling allowance for the journey

performed by him from his place of residence to headquarters of the Board or any other place and vice-versa for attending the work of the Board."

FINANCE DEPARTMENT

No. (GHN. 80) PFT-1183/1276/ (S. 27) (5)-TH-1. *Sachivalaya, Gandhinagar, 25th July, 1983.*—Whereas the Government of Gujarat is satisfied the circumstances exist which render it necessary to take immediate action to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Rules, 1976 and to dispense with the previous publication thereof ;

Now, therefore, in exercise of the powers conferred by Sub-sections (1) and (2) read with the proviso to sub-section (3) of section 27 of the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 the Government of Gujarat hereby dispenses with the condition of previous publication and makes the following rules further to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Rules 1976, namely :—

1. These rules may be called the Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Rules, 1983.

2. In the Gujarat State Tax on Professions, Trades, Callings and Employment Rules, 1976 (hereinafter referred to as the said rules") in sub-rule (1) of rule 3, after the words "within sixty days from the date of commencement of his Profession, Trade, Calling or employment" the words "and in the case of a person becoming liable to pay tax at any time after the commencement of the Act, within sixty days from the date of commencement of his becoming liable to pay tax" shall be inserted.

3. In the said rules, in sub-rule (2) of rule 11,

(1) For the word and figures "Rule 11" the words, brackets and figure "sub-rule (1)" shall be substituted;

(2) In clause (b) for the words and figure "entry in Schedule I" the words and figures "entry 1 in Schedule I" shall be substituted.

4. In the said rules, for rule 21 the following shall be substituted, namely :—

"21 *Notices for failure to enrol for failure to pay tax etc :—*(1) The Notice for hearing in pursuance of section 7A to a person enrolled under sub-section (2) of section 5, who has failed to pay the amount of tax due from him shall be in Form 11 and the notice of demand for payment of tax to such person shall be in Form 12

(2) The notice for hearing in pursuance of section 7A to a person who has failed to get himself enrolled under sub-section (2) of Section 5 shall be in Form 13 and the notice of demand to such person shall be in Form 14."

5. In the said rules, in rule 25 after the words and figures "in Form 17" the following shall be added, namely :—

"Or, as the case may be, an order in Form 18 adjusting the amount of refund towards the amount of tax payable for any period."

6. In the said rules after rule 27, the following new rule shall be inserted, namely :—

"27A. Free supply of certified copies of certain orders :—

Notwithstanding anything contained in rule 27, certified copy of an order passed under section 5, 6, 7, 7A, 9, 10, 13, 14, 15 or 16 shall be furnished free of charge to the assessee, the appellant, the applicant or as the case may be to any other person adversely affected thereby and if the order is passed by an officer or authority higher than the prescribed authority, another copy of such order shall be sent to the prescribed authority."

7. In the said rules in Form 5, in the Table pertaining to Statement-I in the heading of column 5, for the words "Rate of tax per month employees" the words "Rates of tax per month per employee" shall be substituted.

8. In the said rules, in Form 5B,

(1) for the words, figures and brackets "Under sub-section (2) of section 5", the words, figures and brackets "under sub-section (1) of section 5" shall be substituted.

(2) for the word, figures and letter "rule 11A", the words figures and brackets "sub-rule (2) of rule 11" shall be substituted.

9. In the said rules, in Form 6, in clause (c) the word "wilfully" shall be deleted.

10. In the said rules, in Form 11 for the words "You are hereby directed," the words, figure and letter "NOW THEREFORE, in pursuance of the provisions of section 7A you are hereby directed" shall be substituted

11. In the said rules, in Form 12,—

(1) for the words "and whereas you have failed to pay the said amount of tax", the following shall be substituted, namely :—

"and whereas you have failed to pay the said amount of tax; And whereas in pursuance of the provisions of section 7A you have been given an opportunity of being heard; and whereas the undersigned is satisfied that the said amount of tax and interest of Rs is payable by you."

(2) for the words "you are hereby directed," the words "NOW, THEREFORE, you are hereby directed" shall be substituted.

12. In the said rules, in Form—13, for the words "you are hereby given notice to appear", the following shall be substituted, namely :—

"Now, therefore, in pursuance of the provisions of section 7A you are hereby directed to show cause"

13. In the said rules in Form 14,—

(1) for the portion beginning with the words "WHEREAS the proceedings" and ending with the words "in respect of the period," the following shall be substituted, namely :—

"Whereas you had failed to get yourself enrolled and to pay the due from you;

And whereas in pursuance of the provisions of section 7A you have been given an opportunity of being heard;

And Whereas the undersigned is satisfied that an amount of tax of Rs... ..is payable by you”;

(2) for the words “you are hereby directed,” the words “Now THEREFORE, you are hereby directed” shall be substituted.

14. In the said rules, after Form 17, the following new Form shall be added, namely :—

“FORM 18

Refund Adjustment Order (see rule 25 of the Gujarat State Tax on Professions Trades, Callings and Employments Rules, 1976).
(omitted.)

Published in the Gujarat Government Gazette, Part IV-B, No. 35 dated 25th August, 1983.

AGRICULTURE AND FORESTS DEPARTMENT

No. GHKH-176-LVS-1281/27-P (1). *Sachivalaya, Gandhinagar, 9th August, 1983.*—Whereas on account of occurrence of unprecedented cyclone in the month of November, 1982 and on account of unprecedented downpour of rains as well as occurrence of floods in the month of June, 1983 in certain parts of the State a part of the Cattle-wealth of the State has been destroyed;

And whereas the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining the supply of milch and draught cattle in the State;

Now therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1958, and all other powers enabling it in this behalf, the Government of Gujaraat hereby makes the following order, namely :—

1. *Short title extent and commencement.*—(1) This order may be called the Gujarat Milch and Draught Cattle (Control of Movement) Order, 1983.

(2) It extends to the whole of the State of Gujarat ;

(3) It shall come into force at once,

2. *Definitions.*—(a) ‘buffalo’ means a buffalo which gives milk or which has ceased to give milk but is likely to give milk and includes heifer ;

(b) ‘Competent authority’ means a Mamlatdar or, as the case may be, a Mahalkari ;

(c) ‘draught cattle’ means bullocks used for the purpose of draught and includes male calves, whether castrated or not ;

(d) ‘milch cattle’ means cows which give milk or which have ceased to give milk but are likely to give milk and includes heifers ;

(e) ‘permit holder’ means a person who holds a permit issued under clause 4 of the Gujarat Cattle (Export Control) Order, 1961.

3. *Control of Movement of Certain cattle.*—(1) Notwithstanding anything contained in the Gujarat Cattle (Export Control) Order, 1961, no person shall move or attempt to move by rail, road, sea or any other means any milch or draught cattle from any place within the State to any place outside the State for a period of one year, commencing from the date of this Order.

(2) No permit holder shall move or attempt to move by road, or sea any buffalo from any place within the state to any place outside the State except under and in accordance with transport permit granted under clause 4.

4. Issue of transport permit by the competent authority:—

(1) The competent authority may issue a transport permit to any permit holder who desires to move a buffalo, (in pursuance of a permits granted under the Gujarat Cattle (Export Control) Order, 1961 from any place within the State to any place outside the State permitting him to move such Cattle by road or sea under any of the following circumstances, namely:—

(a) Where the competent authority is of the opinion that there is such disruption of rail traffic as to prevent such person from moving such cattle by rail.

(b) where the competent authority is of the opinion that railway wagons are not available a period of not less than twenty days.

(c) where the buffalo is to be moved from a place within the state to a place outside the State for the purpose of participating in any exhibition sponsored by the Central Government.

5. Power of entry, search, seizure etc :—

(1) The Director of Animal Husbandry or the Collector of the District or any officer not below the rank of a Deputy Mamlatdar or any police officer not below the rank of police sub-inspector or any other officer authorised by the State Government or by the Director of Animal Husbandry in this behalf may, with a view to securing compliance with this order and for satisfying that this order has been complied with—

(a) enter and search any premises, vehicles, vessels or any other conveyance with such assistance as may be necessary,

(b) ask any person necessary question,

(c) examine any books or documents and

(d) search and, so far as may be necessary, seize.

(i) any milch or draught cattle or buffalo in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed;

(ii) any vehicle, vessel or other conveyance used in moving such milch or draught cattle or buffalo.

(iii) any books of accounts or documents which, in his opinion, would be useful for or relevant to any proceeding under the Act,

(e) direct by an order in writing any person who owns or is in possession of any such milch or draught cattle or buffalo in respect of which he has reason to believe that contravention of the provision of this order has been or is about to be committed not to remove or dispose of in any manner such milch or draught cattle or buffalo and vehicle, vessel or other conveyance used in carrying such milch or draught cattle or buffalo without further directions from the officer making such order

(2) The provisions of sections 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall apply to search, seizure under this clause.

6. Savings :—Nothing in this order shall apply.

(a) to the movement of milch or draught cattle or buffalo by or on behalf of this State.

(b) to any milch or draught cattle or buffalo which is in course of transit from any place outside the state at commencement of this Order in so far as that transit is concerned.

Published in the Maharashtra Government Gazette, Part IV-Ka,
dated September 15, 1983

**NOTIFICATION BY THE HIGH COURT OF JUDICATURE
AT BOMBAY**

No. P. 0102/77.—In supersession of the High Court Notification No. P. 6324/60, dated the 30th September 1966, 4th August 1972, 1st August 1974, No. P. 0124/63, dated the 17th February 1972, No. P. 0113/68, dated the 21st November 1972, No. P. 0601/55, dated the 20th May 1976, No. P. 0102/77, dated the 28th September 1979 and No. P. 360/74, dated the 23rd June 1980, the Honourable the Chief Justice and Judges of the High Court of Judicature at Bombay in exercise of the powers conferred by section 122 of the Code of Civil Procedure, 1908 and of all the powers enabling them in that behalf and with the previous approval of the Government of Maharashtra are pleased to make the following **AMENDMENTS TO SCHEDULE I OF THE CODE OF CIVIL PROCEDURE, 1908**. The said amendments shall come into force with effect from 1st day of October 1983.

Order III

(1) Substitute the following Explanation for the existing Explanation below sub-rule (2) of rule 4 in Order III :—

“Explanation.—For the purposes of this sub-rule, the following shall be deemed to be proceeding in the suit.”.

Order IV

(1) *Substitute* the following as rule 1 for the existing rule 1 of Order IV and marginal note :—

“1. Suit to be commenced by a plaintiff.—(a) Every suit shall instituted by presenting a plaint to the Court or such Officer appoints in this behalf.

(b) The plaintiff shall, except in the Bombay City Civil Court, as many true copies on plain paper of the plaint with annexures there are defendants, for service with the summons upon the defendants, unless the Court by reason of the length of the plaint or the number of defendants or for any other sufficient reason permits him to present a like number of concise statements of the nature of the claim made or of the relief claimed in the suit in which case, he shall present such statements; Such copies or statements shall be filed alongwith the plaint unless the Court, for good cause shown, allows time for filing such copies or statements.

2. Where the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or the defendant sues or is sued.

3. The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

4. The fee, chargeable for service of the summons upon the defendants, shall be paid when the plaint is filed or within such time as may be extended by the Court.

5. Every plaint shall comply with the rules contained in Orders VI and VII so far as they are applicable.”.

Order V

(1) In Order V for the existing rule 2 and its marginal note *substitute* the following :—

"2. *Copy of plaint to accompany summons.*—Every summons, except in the case of one issued by the City Civil Court, shall be accompanied by a copy of the plaint with annexures, or if so permitted, by concise statement."

(2) In Order V, for the existing rule 4 substitute the following :—

"4. No party shall be ordered to appear in person unless he resides—

(a) within the local limits of the Court's Ordinary Original jurisdiction, or

(b) without such limits but at a place less than 100 or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the court is situate), less than five hundred kilometres distance from the court house."

(3) In Order V, for the existing rule 5 and its marginal note, *substitute* the following as rule 5 and marginal note :—

"5. *Summons to be either to settle issues or for final disposal.*—The Court shall determine at the time of issuing the summons whether it shall be for the filing of written statement and the settlement of issues only, or for the final disposal of the suit ; and the summons shall contain a direction accordingly :

Provided that in every suit heard by a Court of Small Causes the summons shall be for final disposal of the suit."

(4) In Order V, for the existing rule 15 and its marginal note, *substitute* the following as rule 15 and marginal note :—

"15. *Where service may be on male member of defendant's family.*—When the defendant cannot for any reason be personally served and has no agent empowered to accept service of the summons on his behalf, service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this rule."

(5) In Order V, in sub-rule (1) of rule 19A—

(i) for the word "shall" the words "may" shall be substituted ;

(ii) the proviso shall be deleted.

(6) In Order V, for the existing rule 27 and its marginal note, *substitute* the following as rule 27 and marginal note :—

"27. *Service on Civil Public Officer or on servant of railway company or local authority.*—Where the defendant is a public officer not belonging to the Indian Military, Naval or Air Forces, or is the servant of a railway company or local authority, the Court may, if it appears to it that the summons may, if it appears to it that the summons may be most conveniently so served, send it by registered post pre-paid for acknowledgement for service on the defendant to the head of the office in which he is employed, together with a copy to be retained by the defendant."

(7) In Order V. for the existing rule 28 and its marginal note, *substitute*, the following as rule 28 and marginal note :—

"28. *Service on soldiers, sailors, or airmen.*—Where the defendant is a soldier, sailor or airman the Court shall send by registered post pre-paid for acknowledgement the summons for service to his commanding office together with a copy to be retained by the defendant."

Order VI

(1) In Order VI, for the existing rule 5 and its marginal note, *substitute* the following as rule 5 and marginal note :—

"5. *Further and better statement of particulars.*—(1) A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered upon such terms, as to costs and otherwise, as may be just

(2) No application for further and better particulars from the plaintiff or the defendant except the one given by the defendant on or before the returnable date of the summons or by the plaintiff on or before the first date fixed for hearing after the filing of the written statement, shall be entertained, unless the plaintiff or the defendant assigns good cause for the same.

(3) After filing the written statement, the Court shall fix a date for (i) reception of documents other than those in possession or power of parties, and (ii) application for interrogatories, discovery of documents and the inspection thereof. Such applications should not be entertained thereafter, unless good cause is shown to the satisfaction of the Court."

(2). Substitute, the following sub-rules (1) to (4) for existing sub-rules (1) to (4) of Rule 14-A of Order VI :—

"14-A. *Address for service of notice.*—(1) Every pleading, when filed by a party, shall be accompanied by a statement in the prescribed form, signed as provided in rule 14, regarding the party. Parties subsequently added shall immediately on being so added file a memorandum in writing of this nature.

(2) Such address may, from time to time, be changed by lodging in Court a form duly filled up and stating the new address of the party and accompanied by a verified petition. Notice of such change shall be given to such other parties as the Court may deem it necessary and the form showing the change may be served either on the pleaders or such parties or be sent to them by registered post pre-paid for acknowledgement as the Court thinks fit.

(3) The address furnished in the statement made under sub-rule (1) shall be called the "registered address" of the party, and shall, until duly changed as aforesaid, be deemed to be the address of the party for the purpose of service of all processes in the suit or in any appeal from any decree or order therein made and for the purpose of execution, and shall hold good, subject as aforesaid, for a period of six years after the final determination of the cause or matter.

(4) (i) Where a party is not found at the registered address and no agent or adult male member of his family, on whom a notice or process can be served is present, a copy of the notice or process shall be affixed to the outer door of the house. If on the date fixed such party is not present, another date shall be fixed and a copy of the notice, summons or other process shall be sent to the registered address of that party by

registered post pre-paid for acknowledgement (which pre-payment shall be made within one month from the date originally fixed for hearing) and such service shall be deemed to be as effectual as if the notice or process had been personally served.

(ii) Where a party engages a pleader, notice or process issued against the party shall be served in the manner prescribed by Order III, rule 5, unless the Court directs service at the registered address of the party.

(5) Where the registered address of a party is not filed within the specified time or is discovered by the Court to be incomplete, false or fictitious, the Court may, either on its own motion, or on the application of any party, order—

(a) in case where the default in furnishing registered address is by the plaintiff or where such registered address was furnished by a plaintiff, rejection of the plaint, or

(b) in case where the default in furnishing registered address is by the defendant or where such registered address was furnished by a defendant, his defence is struck out and he be placed in the same position as if he had not put any defence.

(6) Where a plaint is rejected or defence is struck out under sub-rule (5), the plaintiff or as the case may be the defendant after furnishing his true address, apply to the Court for an order to set aside the rejection of the plaint or as the case may be, the orders striking out the defence.

(7) The Court is satisfied that the party was prevented by any sufficient cause from filing the true address at the proper time, shall set aside the rejection of the plaint or order striking out the defence, on such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or defence as the case may be.

(8) Where a party is not found at the registered address and no agent or adult member of his family on whom a notice or process can be served is present, a copy of the notice or process shall be affixed to the outer door of the house. If on the date fixed such party is not present, another date shall be fixed and a copy of the notice, summons or other process shall be sent to the registered address of that party by registered post prepaid for acknowledgement (which pre-payment shall be made within one month from the date originally fixed for hearing) and such service shall be deemed to be as effectual as if the notice or process had been personally served.

(9) Where the Court has struck out the defences under sub-rule 5 and has consequently passed a decree or an order, the defendant or the opposit party as the case may be, may apply to the Court by which the decree or order was passed for and an order setting aside the decree or order and if he files a registered address and satisfies the Court that he was prevented by any sufficient cause from filing the address, the Court shall make an order setting aside the decree or order against him upon such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or proceeding, provided, that where the

decree or order is of such a nature that it cannot be set aside as against such defendant or opposite party only, it may set aside as against all or any of the defendants or opposite party.

(10) Nothing in this rule shall prevent the Court from directing service of a process at any other address, if for any reason it thinks fit to do so.

(11) Where a party engages a pleader, a notice or process issued against the party shall be served in the manner prescribed by Order III, rule 5, unless the Court directs service at the registered address of the party.

(2) In Order VI, rule 15, substitute a colon for the full stop at the end of sub-rule (1) and add thereafter the following proviso:—

“Provided that in respect of pleadings to be filed in the Bombay City Civil Court such verification shall, within the local jurisdiction of the Court, be made before one of the officers of the said Court empowered to administer oath, and elsewhere, before any officer mentioned in section 139 of the Code of Civil Procedure, 1908.”

(3) In Order VI, for the existing rule 17 and its marginal note, substitute the following as rule 17 and marginal note:—

“17. *Amendment of pleadings.*—The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties. Where, however, an application for amendment is made by the plaintiff in a suit in which the defendant has not appeared, though served with a summons, and where in the opinion of the Court the amendment applied for is material one, the Court shall give notice of the application to the defendant before allowing the amendment; and where in the absence of the defendant the court grants any amendment in a form materially different from that of which notice has been given to the defendant, a copy of the amended plaint shall be served on the defendant.”

Order VII

(1) In Order VII, rule 1, for the existing item (i) of particulars, substitute the following as item (i):—

“(i) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of Court-fees, so far as the case admits, showing the provisions of law under which the valuation for Court-fees and jurisdiction is separately made.”

(2) In Order VII, for the existing rule 3 and its marginal note, substitute the following as rule 3 and marginal note:—

“3. *Where the subject matter of the suit is immovable property.*—Where the subject-matter of the suit is immovable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers. In case of encroachment a sketch, showing as approximately as possible the location and extent of the encroachment shall also be filed along with the plaint.”

(3) In Order VII, for the existing rule 9 and its marginal notes, substitute the following as rule 9 and marginal note :—

"9. Chief Ministerial Officer to sign lists and copies produced along with plaint.—(1) The plaintiff shall endorse on the plaint or annex thereto a list of documents (if any) which he has produced along with it.

(2) The Chief Ministerial Officer of the Court shall sign such lists and the copies of the plaint with annexures presented under rule 1 of Order IV, if on examination he finds them to be correct."

(4) In Order VII, rule 10 for the existing sub-rule (1) and its marginal note substitute the following as sub-rule (1) and marginal note :—

"(1) Subject to the provisions of rule 10A, the plaint shall be returned to the plaintiff at any stage of the suit to be presented to the Court in which the suit should have been instituted. The plaintiff or his pleader shall be informed of the date fixed for the return of the plaint."

(5) In Order VII, for the existing rule 13 and its marginal note, substitute the following as rule 13 and marginal note :—

*"13. Where rejection of plaint does not preclude presentation of fresh plaint.—*The rejection of the plaint on any of the grounds hereinbefore mentioned or on the grounds mentioned in rule 14-A(5)(a) of Order VI shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action."

(6) In Order VII, rule 17, substitute a colon for the full stop at the end of sub-rule (2) and add thereafter the following proviso :—

"Provided that where the entry referred to in this rule is in a language other than English or the language of the Court, the plaintiff shall file with the plaint a true copy of the entry together with its translation either in English or in the language of the Court, such translation being verified as regards its correctness by an affidavit of the person making the translation :

Provided further that the Court may accept a plaint without the translation and permit the said translation within a time to be fixed by the Court.

In either of such cases the Court or its officer need not examine and compare the copy with the original and certify the same to be correct."

ORDER VIII

(1) For the existing title of Order VIII, substitute the following title :—

"WRITTEN STATEMENT, SET-OFF, COUNTER-CLAIM, AND THIRD PARTY PROCEDURE."

(2) In Order VIII, for the existing rule 1 and its marginal note, substitute the following as rule 1 and marginal note :—

*"(1) Written Statement.—*The defendant may and if so required by the Court shall within such time as may be specified in that behalf or within such extended time as the Court may permit, present a written statement of his defence, after serving a copy thereof on the plaintiff or his pleader on or before the date fixed for presenting the same in Court, or file in Court for the use of the plaintiff a copy of the written statement while presenting the same in Court :

Provided that the first adjournment for filing the written statement shall not ordinarily exceed four weeks and no further adjournment shall be granted except for reasons to be recorded in writing."

Order IX

(1) In Order IX, for the existing rule 13 and its marginal note, *substitute* the following as rule 13 and marginal note:—

"13. *Setting aside decrees ex-parte against defendant.*—In any case in which a decree is passed ex-parte against a defendant, he may apply to the Court by which the decree was passed for an order to set it aside; and if he satisfies the Court that the summons was not duly served, or that there was sufficient cause for his failure to appear when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as to costs payment into Court or otherwise as it think fit, and shall appoint a day for proceeding with the suit :

Provided that where the decree is of such a nature that it cannot be set aside as against such defendant only, it may be set aside as against all or any of the other defendants also :

Provided also that no such decree shall be set aside merely on the ground of irregularity of service of summons, if the Court is satisfied that the defendant knew, or but for his wilful conduct would have known, of the date of hearing in sufficient time to enable him to appear and answer the plaintiff's claim.

Explanation I.—Where a summons has been served under Order V, rule 15, on an adult male-member having an interest adverse to that of the defendant in the subject-matter of the suit, it shall not be deemed to have been duly served within the meaning of this rule.

Explanation II.—Where there has been an appeal against a decree passed ex-parte under this rule, and the appeal has been disposed of on any ground other than the ground that the appellant has withdrawn the appeal, no application shall lie under this rule for setting aside that ex-parte decree."

(2) In Order IX, after the rule 14, *add* the following rule with marginal note as new rule 15 and its marginal note :—

"15. *Application of the provisions of this Order to Appeals.*—In the application of this Order to appeals, so far as may be, the word 'plaintiff' shall be held to include an appellant, the word 'defendant', a respondent, and the word 'suit', an appeal."

Order XIII

(1) In Order XIII, rule 4, *substitute* a colon for the full stop at the end of sub-rule (1) and add thereafter the following proviso :

"Provided that in proceedings in the Bombay City Civil Court, the endorsement may be signed or initialled by such officer as the Principal Judge may authorise in this behalf."

(2) In Order XIII, rule 5, *substitute* a colon for the full stop at the end of sub-rule (3) and add thereafter the following proviso :

"Provided that where the entry referred to in this rule is in a language other than English or the language of the Court, the provision contained in the proviso to sub-rule (2) of rule 17 of Order VII shall apply *mutatis mutandis* to such an entry."

(3) In Order XIII, rule 6, *substitute* a colon for the full stop at the end of the rule and add thereafter the following proviso :

"Provided that in proceedings filed in the Bombay City Civil Court the endorsement may be signed by such officer as the Principal Judge may be authorise in this behalf."

(4) In Order XIII, rule 7, after the existing sub-rule (2), *add* the following sub-rule with marginal note as new sub-rule (3) and its marginal note :—

"(3) *Documents in language other than English or Court language, or in script other than Devanagari.*—Every document produced in evidence which is not written in the Court language or in English shall be accompanied by a correct translation into English or the Court language, and every document which is written in Court language, in a script other than Devanagari shall be accompanied by a correct translation into Devanagari script. If the document is admitted in evidence the opposite party shall either admit the correctness of the translation or the transliteration or submit his own translation or transliteration of the document."

(5) In order XIII, for the existing rule 9 and its marginal note, *substitute* the following as rule 9 and marginal note :—

"9. *Return of admitted documents.*—(1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,—

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of; and

(b) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred when the appeal has been disposed of :—

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor—

(a) delivers to the proper officer for being substituted for the original,—

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy, which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order VII, and

(b) undertakes to produce the original, if required to do so :

Provided also that a copy of the decree and of the judgment filed with the memorandum of appeal under Order XLI, rule 1, may be returned after the appeal has been disposed of by the Court :

Provided also that no document shall be returned which, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it."

Insert as Order XV-A, before Order XVI.

"Order XV-A

STRIKING OFF DEFENCE IN A SUIT BY A LESSOR

1. (1) In any suit by a lessor for eviction of a lessee or for the recovery of rent and future mense profits from him, the defendant shall

deposit such amount as the Court may direct on account of arrears upto the date of the order (within such time as the Court may fix) and thereafter continue to deposit in each succeeding month the rent claimed in the suit as the Court may direct. The defendant shall continue to deposit such amount till the decision of the suit unless otherwise directed.

In the event of any default in making the deposit, as aforesaid, the Court may subject to the provisions of sub-rule (2) strike off the defence.

(2) Before passing an order striking off the defence, the Court shall serve notice on the defendant or his Advocate to show cause as to why the defence should not be struck off, and the Court shall consider any such cause, if shown in order to decide as to whether the defendant should be relieved from an order striking off the defence.

(3) The amount deposited under this rule shall be paid to the plaintiff lessor or his Advocate and the receipt of such amount shall not have the effect of prejudicing the claim of the plaintiff and it would not also be treated as a waiver of notice of termination."

Order XVI

(1) In Order XVI, rule 2, *substitute* a colon for the full stop appearing at the end of sub-rule (1) and *add* thereafter the following proviso :—

"Provided that where Government or a public officer being a party to a suit or proceeding as such public officer supported by Government in the litigation, applies for summons to any public officer to whom the Civil Service Regulations apply to give evidence of facts which have come to his knowledge or of matters with which he has to deal, as a public officer, or to produce any document from public records, the Government or the aforesaid officer shall not be required to pay any sum of money on account of the travelling and other expenses of such witness."

(2) In Order XVI, rule 3, *substitute* a colon for the full stop appearing at the end of rule 3 and *add* thereafter the following proviso :

"Provided that where the witness is a public officer to whom the Civil service Regulations apply and is summoned to give evidence of facts which have come to his notice or of facts which he has had to deal in his official capacity, or to produce a document from public records, the sum payable by the party obtaining the summons on account of his travelling and other expenses shall not be tendered by him. Such Officer shall, however, be required to produce a certificate duly signed by the Head of his office showing the rates of travelling and other allowances admissible to him as for a journey on tour."

"(3) In Order XVI, after the existing rule 3 (with the proviso last added thereto) *add* the following rule with marginal note as new rule 3A and its marginal note :—

"3A. *Special provision for public servants summoned as witnesses in suits in which the Government is not party.*—(1) Notwithstanding anything contained in the foregoing rules in all suits or other proceedings to which the Government is not a party, where a servant of the Central Government or a railway employee is summoned to give evidence and/or to produce documents in his official capacity, the Court shall direct

the party applying for summons to deposit such sum of money as will, in the opinion of the Court be sufficient to defray the travelling and other expenses of the officer concerned as for a journey on tour; and on the deposit of such sum, the Court shall direct the summons to be issued and, out of the sum so deposited or out of any further sum which the Court may subsequently direct the party applying for summons to deposit, the Court shall, on the appearance before the Court of the officer summoned, pay him the amount of travelling and other expenses admissible to him as for a journey on tour under the rules applicable to his service.

(2) The officer appearing before the Court in accordance with sub-rule (1) shall produce a certificate duly signed by the Head of his office, showing the rates of travelling and other allowances admissible to him as for a journey on tour, and the amount payable to him by the Court shall be computed on the basis of rates specified in such certificate."

ORDER XX

(1) *O. XX, r 1(3).*—Delete the words "if the judge is specially empowered by the High Court in this behalf" appearing in rule 1(3) of Order XX of the Civil procedure Code, 1908.

(2) In Order XX, rule 6, for the existing sub-rule (1) and its marginal note, *Substitute* the following as sub-rule (1) and marginal Note:—

"6. **Contents of decree** (1). The decree shall agree with the judgment; it shall contain the date of presentation of the plaint, the number of the suit, the names and descriptions of the parties, their registered addresses, and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit."

(3) In Order XX, rule 7, *substitute* a colon for the full stop appearing at the end of the rule and *add* thereafter the following proviso:

"Provided that in proceedings taken in the Bombay City Civil Court the decree shall bear date, the day on which the judgment was pronounced and it shall be engrossed in the office of the Registrar and be signed by him and sealed with the seal of the Court."

(4) In Order XX, for the existing rule 12 and its marginal note, *substitute* the following as rule 12 and marginal note:—

"12. **Decree for possession and mesne profits.**—(1) Where a suit is for the recovery of possession of immoveable property and for rent or mesne profits, the Court may pass a decree—

(a) for the possession of the property;

(b) for the rent or mesne profits which have accrued on the property during the period prior to the institution of the suit, or directing an enquiry as to such rent or mesne profits;

(c) directing an enquiry as to such rent or mesne profits from the institution of the suit until—

(i) the delivery of possession to the decree-holder, or

(ii) the relinquishment of possession by the judgment-debtor with notice to decree-holder through the Court.

(2) where an inquiry is directed under clause (b) or clause (c) of sub-rule (1) above, a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such enquiry."

(5) In Order XX, rule 14, *substitute* a colon for the full stop appearing at the end of clause (b) of sub-rule (1) and *add* thereafter the following proviso:

"Provided that if there are crops standing on the property, possessing of the property shall not be delivered to the plaintiff until such crops have been reaped. The plaintiff shall however be entitled to simple interest not exceeding 6 per cent per annum at the discretion of the Court on the amount deposited by him in Court in respect of the period between the date of payment into Court by him of the purchase money and the costs (if any) and the date on which delivery of possession to him by the defendant takes place."

(6) *Substitute* the following rule for rule 20 in Order XX :—

"20. *Certified copies of judgment and decree to be furnished*—(1) Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

(2) Application may be made by the party himself or his recognised agent or by his pleader and may also be sent by post. Whenever such application is sent by post the same shall be sent by the Registered post pre-paid for acknowledgment. When the application is sent by post, it shall be deemed to have been made on the date of posting if the application is made by registered post, but only on the date of its receipt by the office of the Court in case when it is sent by post other than registered post."

ORDER XXI

(1) *Substitute* the following as sub-rule (2) for the existing sub-rule (2) of rule 2 in Order XXI :—

"(2) The judgment-debtor or any person who has become surety for judgment-debtor may also inform the Court by an application in writing supported by an affidavit of such payment or adjustment and apply to the Court to issue a notice to the decree-holder to show cause on a date to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after service of such notice, the decree holder fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly."

(2) In Order XXI, for the existing rule 4 and its marginal note, *substitute* the following as rule 4 and marginal note:—

"4. *Transfer to Court of Small Causes*.—(1) Where a decree has been passed in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provisional Small Causes Court and the Court which passed it wishes it to be executed in Calcutta or Madras, such Court may send to the Court of Small Causes in Calcutta or Madras, as the case may be, the copies and certificates mentioned in rule 6; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

(2) A decree in a suit of the nature described in sub-rule (1) but in which the value as set forth in the plaint did not exceed ten thousand rupees may be sent for execution to and be executed by the Presidency Court of Small Causes at Bombay in the manner prescribed in sub-rule (1)."

(3) In Order XXI, for the existing rule 16 and its marginal note, substitute the following as rule 16 and marginal note:—

“16 *Application for execution by transferee of decree*—Where a decree or if a decree has been passed jointly in favour of two or more persons the interest of any decree-holder in the decree is transferred by assignment in writing or by operation of law, the transferee may apply for execution of the decree to the Court which passed it, or to the Court to which it has been sent for execution, and the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder :

Provided that, where the decree or such interest as aforesaid, has been transferred by assignment, notice of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to its execution :

Provided further that where the transferee Court holds the assignment proved, it shall forthwith communicate its decision in that behalf to the Court which passed the decree, and the latter Court shall make an entry in the Register of Suits indicating that the assignment has been held to be proved:

Provided also that, where the decree for the payment of money against two or more persons has been transferred to one of them, it shall not be executed against the others.

Explanation-I.—In an application under this rule, any payment of money made under a decree, or any adjustment in whole or in part of the decree arrived at to the satisfaction of the decree-holder, which payment or adjustment has not been certified or recorded by the Court under rule 2 of this Order, shall not be recognised by the Court entertaining the application.

Explanation-II.—Nothing in this rule shall affect the provisions of section 146, and a transferee of rights in the property, which is the subject-matter of the suit, may apply for execution of the decree without a separate assignment of the decree as required by this rule.”

(4) Substitute the following as rule 24 and its marginal note for the existing rule 24 and marginal note in Order XXI :

“24. *Process for execution.*—(1) When the preliminary measures (if any) required by the foregoing rules have been taken, the Court shall, unless it sees cause to the contrary, issue its process for the execution of the decree.

(2) Every such process shall bear date, the day on which it is issued and shall be signed by the Judge or such officer as the Court may appoint in this behalf, and shall be sealed with the seal of the Court and delivered to the proper officer to be executed :

Provided that a Civil Judge, Senior Division may, in his special jurisdiction, send process to another Court in the same district for execution by the proper officer in that Court.

(3) In every such process a day shall be specified on or before which it shall be executed and day shall also be specified on or before which it shall be returned to the Court, but no process shall be deemed to be void, if no day for its return is specified therein.”

(5) In Order XXI, rule 25, *substitute* a colon for the full stop appearing at the end of sub-rule (2) and *add* thereafter the following proviso :

"Provided that an examination of the officer entrusted with the execution of a process by the Nazir or the Deputy Nazir under the general or special orders of the Court shall be deemed to be sufficient compliance with the requirements of this rule."

(6) In Order XXI for rule 39 and its marginal note *substitute* the following as rule 39 and marginal note :—

"39. *Subsistence allowance*.—(1) No Judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he can be brought before the Court and for the cost of conveyance of the judgment-debtor from the place of his arrest to the Court house.

(2) Where a judgment-debtor is committed to the civil prison in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled according to the scales fixed under section 57, or where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

(3) The monthly allowance fixed by the Court shall be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(4) Such sum (if any) as the Judge thinks sufficient for the subsistence and costs of conveyance of the judgment-debtor for his journey from the Court-house to the civil prison and from the civil prison on his release, to his usual place of residence, together with the first of the payments in advance under sub-rule (3) for such portion of the current month as remains unexpired, shall be paid to the proper officer of the Court before the judgment-debtor is committed to the Civil prison, and the subsequent payment (if any) shall be paid to the officer in charge of the Civil Prison.

(5) Sums disbursed under this rule by the decree-holder for the subsistence and the cost of conveyance (if any) of the judgment-debtor shall be deemed to be cost in the suit :

Provided that the judgment-debtor shall not be detained in the Civil Prison or arrested on account of any sum so disbursed."

(7) In Order XXI, rule 40, after the existing sub-rule (5), *add* the following as new sub-rules (6), (7) and (8) :—

"(6) When a judgment-debtor is ordered to be detained in the custody of an officer of a Court under sub-rule (2) or the proviso to sub-rule (3) above, the Court may direct the decree-holder to deposit such amount as, having regard to the specified or probable length of detention, will provide :—

(a) for the subsistence of the judgment-debtor at the rate to which he is entitled under the scale fixed under section 57, and

(b) for the payment to the officer of the Court in whose custody the judgment-debtor is placed or such fees (including lodging charges) in respect thereof as the Court may by order fix :

Provided :—

(i) that the subsistence allowance and the fees payable to the officer of the Court shall not be recovered for more than one month at a time, and

(ii) that the Court may from time to time require the decree-holder to deposit such further sums as it deems necessary.

(7) If a decree-holder fails to deposit any sum as required under sub-rule (6) above, the Court may disallow the application and direct the release of the judgment-debtor.

(8) Sums disbursed by the decree-holder under sub-rule (6) shall be deemed to be costs in the suit :

Provided that the judgment-debtor shall not be detained in the Civil Prison or arrested on account of any sum so disbursed."

(8) In Order XXI, after the existing rule 43A, *insert* the following rule with marginal note as new rule 43B and its marginal note :—

"43-B. *Attachment of live-stock.*—(1) When an application is made for the attachment of live-stock the Court may demand, in advance in cash at rates to be fixed half yearly or oftener, if necessary, by the Courts with the sanction of the District Judge, the amount requisite for the maintenance of the livestock from the probable time of attachment to the probable time of sale, or may, at its discretion, make successive demands for portions of such period. The rates shall include cost of feeding, tending and conveyance, and all other charges requisite for the maintenance and custody of the live-stock.

(2) If the live-stock be entrusted to any persons other than the judgment-debtor, the amount paid by the decree-holder for the maintenance of the live-stock or a part thereof, may, at the discretion of the Court, be paid to the custodian of the live-stock for their maintenance. The produce, such as milk, eggs, etc., if any, may either be sold as promptly as possible for the benefit of the judgment-debtor or may, at the discretion of the Court, be set off against the costs of maintenance of the live-stock."

(9) In Order XXI, after the existing rule 44, *insert* the following rule with marginal note as new rule 44-A and its marginal note :—

"44-A. *Copy of the warrant of attachment to be sent to the Collector where agricultural produce is attached.*—Where the property to be attached is agricultural produce, a copy of the warrant or the order of attachment shall be sent by post to the office of the Collector of the District in which the land is situate."

(10) In Order XXI, rule 45, for the existing sub-rule (1), and its marginal note *substitute* the following as sub-rule (1) and marginal note :—

"(1) *Provisions as to agricultural produce under attachment.*—Where agricultural produce is attached, the Court shall make such arrangement for the custody thereof as it may deem sufficient and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of growing crop shall specify the time at which it is likely to be fit to be cut or gathered, and the applicant shall deposit in Court at the time of the application such sum as the Court shall deem sufficient to defray the cost of watching and tending the crop till such time."

(11) In Order XXI, of the Civil Procedure Code, 1908 for the existing rules 46-A to 46-I *substitute* the following rules :—

46-A. (1) Upon the application of the decree-holder, the Court may in the case of,—

(1) any debt (other than a debt secured by a mortgage or a charge or a negotiable instrument) of which the Civil Courts are not precluded from adjudicating upon by any law for the time being in force and which has been attached under rule 46 of this Order ; or

(2) any movable property not in possession of the judgment-debtor which has been attached under rule 46 of this Order ; or

(3) any negotiable instrument which has been attached under rule 51 of this Order ; or

(4) any movable property of the nature referred to in (1) to (3) above in the custody of any public officer other than officer of any Court, which has been attached under rule 52 of the Order, issue notice to any person liable to pay to the judgment-debtor such debt or the amount due under such negotiable instrument or liable to deliver such movable property or to account for it to the judgment-debtor (hereafter referred to as "the Garnishee") calling upon him within the period specified in the notice either to pay into Court the said debt or amount payable under the said negotiable instrument or deliver into Court the said movable property, as the case may be, or so much thereof as may be sufficient to satisfy the decree or order and the cost of execution or to appear before the Court and show cause why he should not be ordered to do so.

The notice shall be served on the Garnishee and, if the Court so directs on the judgment-debtor also. The notice shall be served eight clear days before the returnable date thereof :

Provided that, subject to the proviso to Rule 46-C, if by any law for the time being in force, the jurisdiction to adjudicate upon the debt or claim relating to the negotiable instrument or movable property in respect of which the application aforesaid is made is conferred on a Civil Court other than the execution Court, the Court shall send the execution case to the District Court to which the said Court is subordinate and thereupon the District Court shall transfer the case to the competent Court and on such transfer the Court to which the case is transferred will deal with it in the same manner as if it had been originally instituted in that Court.

Explanation —When the District Court itself is the competent Court it may deal with the case in the same manner as if it had been originally instituted in that Court.

(2) Such application shall be made on affidavit verifying the facts alleged and stating that in the belief of the deponent the Garnishee is indebted to the judgement-debtor or that the property belongs to the judgement-debtor.

46B. Where the Garnishee does not within the time specified in the notice or within such time as the Court may allow to pay into Court the said debt or the amount payable under the said negotiable instrument or does not deliver into Court the said property or so much of the debt or amount or property as is sufficient to satisfy the decree or order

and the cost of the execution or does not appear and show cause in answer to the notice, the Court may order the Garnishee to comply with the terms of such notice or pass such other order as it may deem fit.

46C. If the Garnishee disputes his liability the Court instead of making such order may order that any issue or question necessary for determining his liability be tried as though it were an issue in a suit; and upon the determination of such issue shall pass such order upon the notice as it may think fit :

Provided that if the amount of the debt or the amount payable under the negotiable instrument or the value of the property in respect of which the application aforesaid is made exceeds the pecuniary jurisdiction of the Court, the Court shall send the execution case to the District Court to which the said Court is subordinate and thereupon the District Court or any other competent Court to which it may be transferred by the District Court will deal with it in the same manner as if it had been originally instituted in that Court.

46-D. If the Garnishee appears in answer to the Garnishee notice shows cause to the satisfaction of the Court, the notice shall be dismissed and upon such dismissal the attachment ordered under rule 46, 51 or 52 of this Order shall stand raised and the prohibitory order, if any shall stand discharged.

46-E. Whenever in the course of proceedings against the Garnishee it is alleged or appears to the Court to be probable that some person other than the judgment-debtor is or claims to be entitled to the debt attached or the amount payable under the negotiable instrument or the property attached or claims to have a charge or lien upon or interest in such debt or amount or property the Court may order such third person to appear before it and state the nature of his claim with particulars thereof and, if necessary, prove the same.

46-F. After hearing such third person and any other person who may subsequently be ordered to appear when ordered, the Court may pass such order as is provided under Rule 46-B, 46-C or 46-D or such other order or orders upon such terms, if any, with respect to the lien or charge or interest if any of such third or other person as it may deem fit and proper including an order that any question or issue necessary for determining the validity of the claim of the third or other person be tried as though it were an issue in a suit,

46-G. (a) An order made by the Court under Rule 46-B, 46 C or 46-F against the Garnishee shall be executable as if it were a decree of the Court in favour of the decree-holder.

(b) When money or negotiable instrument or property is received in Court as a result of an order under Rule 46-B, 46-C or 46-F above, the money shall not be paid and further steps in execution in respect of the negotiable instrument or property shall not be taken till the time for filing an appeal against the said order is over and whether an appeal is filed till further order of the Appellate Court.

46-H. Any payment or delivery made by a Garnishee in compliance with a Garnishee notice or order made against him under rule 46-B, 46-C or 46-F of this Order or any money or property realised in execution of of an order under these Rules shall be a valid discharge of

the Garnishee's liability to the judgement-debtor and to any other person ordered to appear under Rule 46-E or 46-F of this order for the amount paid or levied or property delivered or property realised in execution, although the decree in execution of which the application under rule 46-A was made, or the order passed in the proceedings on such application may be set aside or reversed.

46-I Where a debt due by a firm to the judgement-debtor has been attached it may be proceeded against under Rules 46-A or 46-H of this Order in the same manner as in the case of an ordinary Garnishee, and provisions of order XXX of this Code shall, so far as applicable, apply to such proceedings although one or more partners of such firm may be resident outside the jurisdiction of the Court: Provided that any person having the control or management of the partnership business or any partner of the firm who is within the jurisdiction of the Court is served with Garnishee notice. An appearance by any partner pursuant to such notice shall be sufficient appearance by the firm.

46-J The costs of any application made under Rule 46-A of this order and of any proceedings arising therefrom or incidental thereto shall be in the discretion of the Court.

46-K Any order made under Rule 46-B, 46-C, 46-F or 46-G of this Order shall be appealable as a decree "

(12) In Order XXI, rule. for the existing sub-rule (1) (b), *substitute* the following :—

"(b) if the decree sought to be attached was passed by another Court by the issue to such other Court of a notice by the Court which passed the decree sought to be executed requesting such other Court and to any other Court to which the decree has been transferred for execution to stay the execution of its decree unless and until—

(i) the Court which passed the decree sought to be executed cancels the notice, or

(ii) (a) the holder of the decree sought to be executed, or

(b) his judgement-debtor with the previous consent in writing of such decree-holder, or with the permission of the attaching Court, applies to the Court receiving such notice to execute the attached decree "

(13) *Substitute* the following sub-rule (4) for the existing sub-rule (4) of rule 53 in Order XXI :—

"(4) Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made, by a notice by the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, where such decree has been passed by any other Court also by sending to such other Court and to any other Court to which the decree has been transferred for execution a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent."

(14) In Order XXI, for 54 and its marginal note *substitute* the following as rule 54 and marginal note :—

"54. (1) *Attachment of immovable property* —Where the property is immovable, the attachment shall be made by an order prohibiting the judgement-debtor from transferring or charging the property in any

way, and all persons from taking any benefit from such transfer or charge, such order shall take effect, where there is no consideration for such transfer or charge, from the date of such order, and where there is consideration for such transfer or charge, from the date when such order came to the knowledge of the person to whom or in whose favour the property was transferred or charged.

(1A) The order shall also require the judgement-debtor to attend Court on a specified date to take notice of the date to be fixed for settling the terms of the proclamation of sale.

(2) Copies of the order shall also be forwarded to the Collector with a request that appropriate entries showing the attachment levied on the property may be caused to be made in the revenue records, city survey records, or village panchayat records as may be required in the particular case.

(3) The order shall be proclaimed at same place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also, where the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate, and also, where the property is situate with cantonment limits, in the office of the Local Cantonment Board and the Military Estates Officer concerned, and, where the property is land situate in a village, also in the office of the Gram Panchayat, if any, having jurisdiction over that village."

(15) In Order XXI, for the existing rule 57 and its marginal note, substitute the following as rule 57 and marginal note ;—

"57. *Determination of attachment.*—Where any property has been attached in execution of a decree and the Court for any reason passes an order dismissing an execution application, the Court shall direct whether the attachment shall continue or cease. If the Court omits to make an order and if the order dismissing the execution application is appealable the attachment shall continue till expiry of the period prescribed for filing an appeal or where appeal has been filed, till such further period as the appellate Court may direct."

(16) In order XXI, rule 69, for the existing sub-rule (1) and the marginal note substitute the following as sub-rule (1) and marginal note [retaining sub-rules (2) and (3) as they are] :—

"69. *Adjournment or stoppage of sale.*—(1) The Court may, in its discretion, adjourn any sale hereunder to a specified day and hour, and the officer conducting any such sale may, in his discretion adjourn the sale to a specified day and hour, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of the Court-house, no such adjournment shall be made without the leave of the Court."

(17) In Order XXI, rule 75, for the existing sub-rule (2), substitute the following as sub-rule (2) :—

"(2) Where the crop from its nature does not admit of being stored, or where it appears to the Court that the crop shall be sold to greater advantage in an unripe state, it may be sold before it is cut and

gathered, and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering it."

(18) In Order XXI, for the existing rule 85, *substitute* the following rule and marginal note:—

"85. *Time for payment in full of purchase money.*—The full amount of purchase money payable, together with the amount required for the general stamp paper for the certificate under Rule 94, shall be paid by the purchaser into Court before the Court closes on the 15th day from the date of the sale of the property :

Provided that, in respect of the purchase money, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 72 :

Provided further that, if as a result of some *bona fide* mistake or miscalculation the amount deposited falls short of the full amount of the purchase money, the Court may in its discretion, allow the shortfall to be made up after fifteen days of the sale, and if the full amount of the purchase money is deposited within such time as the Court may allow, the Court may condone the delay, if it considers it just and proper to do so.

Explanation.—When an amount is tendered in Court on any day after 1-00 p.m. but is not accepted by the Court and is paid into Court on the next working day between 11-00 a.m. and 1-00 p.m. the payment shall be deemed to have been made on the day on which the tender is made."

(19) In Order XXI, rule 87, for the words "of the purchase money" *substituted* the words "of the amounts mentioned in rule 85".

(20) In Order XXI, *add* the following proviso at the end of sub-rule (1) Rule 92 :

"Provided that before confirming the sale the Court shall satisfy itself that the amount paid under Rule 85 for the purchase of general stamp paper for the certificate under Rule 94 is sufficient for the purpose in accordance with the rate in force at the time of the confirmation and may, notwithstanding anything contained in Rule 86, give the purchaser such time as it thinks fit for making good any deficiency."

(21) In Order XXI, for the existing rule 94, and its marginal note, *substitute* the following as rule 94 and marginal note:—

"94. *Certificate to purchaser.*—Where a sale of immoveable property has become absolute, the Court shall grant certificate specifying the property sold, the amount of the purchase money and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date the day on which the sale became absolute."

(22) *substitute* the following sub-rule (2) for the existing sub-rule (2) of rule 98 in Order XXI:—

"(2) Where upon such determination, the Court is satisfied that the resistance or obstruction was occasioned without any just cause by the judgment debtor or by some other person at his instigation or on his behalf, or by any transferee where such transfer was made during the pendency of the suit or execution proceeding, it shall direct that the

applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation or on his behalf, to be detained in the Civil prison for a term which may extend to thirty days. The Court may also order the person or persons whom it holds responsible for such resistance or obstruction to pay jointly or severally in addition to costs, reasonable compensation to the decree-holder or the purchaser, as the case may be, for the delay and expenses caused to him in obtaining possession. Any order made under this rule shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree."

(23) *Add the following proviso to rule 100 in Order XXI :—*

"Where it is determined that the application is made by person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed, the Court shall dismiss the application under sub-rule (a) above."

(24) *Add the following proviso to rule 101 of Order XXI :—*

"Provided that when the Court is not competent to decide such question due to want of pecuniary jurisdiction the Court shall send the execution case to the Court of the District Judge to which the said Court is subordinate and thereupon the Court of the District Judge or any other competent Court to which it may be transferred by the District Judge, shall deal with it in the same manner as if the case had been originally instituted in that Court."

(25) *Delete rule 102 in Order XXI.*

ORDER XXV

(1) In Order XXV, after the existing rule 2, *add the following rule with marginal note as new rule 3 and its marginal note :—*

"3. *Power to implead and demand security from third person financing litigation*—(1) Where any plaintiff has for the purpose of being financed in the suit transferred or agreed to transfer any share or interest in the property in the suit to a person who is not already a party to the suit, the Court may Order such person to be made a plaintiff to the suit if he consents, and may either of its own motion or on the application of any defendant order such person, within a time to be fixed by it to give security for the payment of all costs incurred and likely to be incurred by any defendant. In the event of such security not being furnished within the time fixed, the Court may make an order dismissing the suit so far as his right to, or interest in the property in suit is concerned, or declaring that he shall be debarred from claiming any right to or interest in the property in suit.

(2) If such person declines to be made a plaintiff, the Court may implead him as a defendant and may order him, within a time to be fixed by it, to give security for the payment of all costs incurred and likely to be incurred by any other defendant. In the event of such security not being furnished within the time fixed, the Court may make an order declaring that he shall be debarred from claiming any right to or interest in the property in suit."

(3) Any plaintiff or defendant against whom an order is made under this rule may apply to have it set aside and the provisions of sub-rule (2) and (3) of rule 2 shall apply *mutatis mutandis* to such application."

ORDER XXXIII

(1) In Order XXXIII, rule 1 for Explanation I below rule 1, *substitute* the following Explanation I :—

"*Explanation I.*—A person shall be deemed to be an indigent person if he is not possessed of means exceed rupees one thousand in value or where he is possessed of means exceeding one thousand rupees in value, the same are not sufficient to enable him to pay fees prescribed by law for the plaint

For the purposes of this Explanation the means which a person is possessed of shall be deemed not to include property exempt from attachment in execution of a decree and the subject-matter of the suit."

(2) In Order XXXIII, for the existing rule 17 and its marginal note *substitute* the following rule and the marginal note :—

"17. *Defence by an indigent person.*—Any defendant, who desire to plead a set off or counter-claim, may be allowed to set up such claim as an indigent person, and the rules contained in this order shall so far as may be, apply to him as if he were a plaintiff and his written statement were a plaint, and if he is required to issue a third party notice, the third party notice shall also be deemed to be a plaint for the purpose of this rule "

(3) In Order XXXIII, after the existing rule 19 *add* the following rule with marginal note as new rule 19 and the marginal note :—

"19. *A pauper not to compromise suit without leave of Court*—No cause, suit or matter commenced or carried on by a pauper plaintiff or defendant shall be compromised on any account whatsoever without leave first had obtained from the Judge in Chambers or the Court."

ORDER XXXIV

(1) In Order XXXIV, *after* the existing rule 14, *insert* the following rule with marginal note as new rule 14A and its marginal note :—

"14A. (1) *Special provisions regarding a composite decree combining in itself a preliminary as well as a final decree*—Notwithstanding anything, hereinbefore contained, where the sale of any mortgaged property is decreed under any composite decree which combines in itself a preliminary as well as a final decree as per compromise between the parties or as required or permissible under any special law or under an order, award or adjudication which is deemed to be a decree of a Civil Court, or which is required to be executed as a decree or as if it a decree of a Civil Court, and the judgement-debtor (mortgagor), before the day fixed in that behalf or at any time before the confirmation of the sale made in pursuance of such decree, order, award or adjudication, makes payment into Court of all amounts due from him to the decree-holder (mortgagee) on that date, under the said decree, order, award or adjudication, including all subsequent costs, charges, expenses and interest, and also deposits in Court for payment to a purchaser a sum equal to five percent of the amount of the purchase money paid into Court by the purchaser, the Court shall on application made by the judgment-

debtor (mortgagor) in this behalf, set aside the sale and mark the decree, order, award or adjudication as satisfied, and pass an order :—

(a) ordering the decree-holder (mortgagee) to deliver up to the judgment-debtor (mortgagor) or his nominee, all documents in his possession or power relating to the mortgaged property, and, if necessary,

(b) ordering him to re-transfer the mortgaged property to the judgment-debtor (mortgagor) or his nominee at his cost free from the mortgage and from all encumbrances created by the decree-holder (mortgagee), or any person claiming under him, or where the decree-holder (mortgagee) claims by derived title, by those under whom the claims and also if necessary.

(c) ordering him to put the judgment-debtor (mortgagor) or his nominee in possession of the property.

(2) Where such deposit has been made, the purchaser shall be entitled to and order for repayment of the amount of the purchase money paid into Court by him together with a sum equal to five per cent thereof.

(3) The Court may, upon good cause shown and upon terms to be fixed by the Court, from time to time at any time before the sale is confirmed, extend the time fixed for the payment of the amount due under the decree, order, award or adjudication, including all subsequent costs, charges, expenses and interest."

ORDER XXXVII

(1) In Order XXXVII, *substitute* the following sub-rule (1) for the existing sub-rule (1) of rule 1 :—

"1. (1) This order shall apply to the following Courts, namely :—

(a) High Courts, City Civil Courts and Courts of Small Causes; and

(b) such other Courts as may be specially empowered in this behalf by the High Court from time to time by a Notification in the *Official Gazette* :

Provided that in respect of the Courts referred to in clause (b), the High Court may, by notification in the *Official Gazette*, restrict the operation of this Order only to such categories or suits as it deems proper and may also from time to time, as the circumstances of the case may require, by subsequent notification in the *Official Gazette*, further restrict, enlarge or vary, the categories of suits to be brought under the operation of this Order as it deems proper."

ORDER XXXVIII

(1) In Order XXXVIII, Rule 6 for the existing sub-rule (2) *substitute* the following as sub-rule (2) :—

"(2). Where the defendant shows such cause or furnishes the required security or gives an undertaking to the Court to do or not to do a thing, and the property specified or any portion of it has been attached, the Court shall order the attachment to be withdrawn, or make such other order as it thinks fit."

ORDER XXXIX

(1) In Order XXXIX, *after the existing rule 10, add* the following rule with marginal note as new rule 11 and its marginal note :—

"11. *Procedure on parties defying orders of Court and committing breach of undertaking to the Court*—(1) Where the Court orders any party to a suit or proceeding to do or not to do a thing during the pendency of the suit or proceeding, or where any party to a suit or proceeding gives any undertaking to the court to do or to refrain from doing a thing during the pendency of the suit or proceeding, and such party commits any default in respect of or contravenes such order or commits a breach of such undertaking, the Court may dismiss the suit or proceeding, if the default or contravention or breach is committed by the plaintiff or the applicant, or strike out the defences, if the default or contravention or breach is committed by the defendant or the opponent.

(2) The Court may, on sufficient cause being shown and on such terms and conditions as it may deem fit to impose restore the suit or proceeding or may hear the party defence, as the case may be, if the party that has been responsible for the default or contravention or breach as aforesaid makes amends for the contravention or breach to the satisfaction of the Court :

Provided that before passing any order under this sub-rule notice shall be given to the parties likely to be affected by the order to be passed."

ORDER XL

(1) In order XL, for the existing rule 4 and its marginal note, substitute the following as rule 4 and marginal note :—

"4. *Enforcement of Receiver's duties.*—(1) If a Receiver fails to submit his account at such periods and in such form as the Court directs, the Court may order his property to be attached until he duly submits his accounts in the form ordered.

(2) The Court may, at the instance of any party to any suit or proceeding in which a Receiver has been appointed or of its own motion, at any time not beyond three years from the date of his discharge by the Court, make an enquiry as to what amount, if any, is due from the Receiver as shown by his accounts or otherwise, or whether any loss to the property has been occasioned by his wilful default or gross negligence, and may order the amount found due or the amount of the loss so occasioned to be paid by the Receiver into Court or otherwise within a period to be fixed by the Court. All parties to the suit or proceeding and the Receiver shall be made parties to any such enquiry. Notice of the enquiry shall be given by registered post pre-paid for acknowledgement to the surety, if any, for the Receiver ; but the cost of his appearance shall be borne by the surety himself, unless the Court otherwise directs :

Provided that the Court may, where the account is disputed by the parties and is of a complicated nature or where it is alleged that loss has been occasioned to the property by the wilful default or gross negligence of the Receiver, refer the parties to a suit. In all such cases the Court shall state in writing the reasons for the reference.

(3) If the Receiver fails to pay any amount which he has been ordered to pay under sub-rule (2) of this rule, within the period fixed in the order, the Court may direct such amount to be recovered either on the security (if any) furnished by him under rule 3 or by attachment and sale of his property, or if the property has been attached under sub-rule (1) of this rule, by sale of the property so attached, and may apply the proceeds of the sale to make good any amount found due from him

or any loss occasioned by him and shall pay the balance (if any) of the sale proceeds to the Receiver.”

(2) Insert following Order XL-A after Order LX :—

“ORDER XL-A

Caveat Rules

1. Every Caveat under section 148A shall be signed by the Caveator or his Advocate and shall be in the form prescribed.

2. Every Caveat shall be presented by the party in person or by his advocate to the Court or to the Officer authorised to receive the Caveat. Where the Caveator is represented by an Advocate his Vakalatnama shall accompany the Caveat. When an Advocate instructed by a party to act or appear in a matter has not been able to secure a Vakalatnama in the prescribed form duly signed by the client, he may file a written statement signed by him stating that he has instructions from or on behalf of his client to act or appear in the matter and also undertaking to file within a week a Vakalatnama in the prescribed form duly signed by the party.

3. The Caveat presented under Rule 2 shall be registered in a Caveat Register in Form given below. Before an application for any relief is made to the Court in any proceeding, it shall bear an endorsement from the office of the Court whether a Caveat has or has not been filed.

4. (1) A copy of the Caveat shall be served along with the notice required to be served under section 148A (2).

(2) On receipt of the notice of the Caveat, the applicant or his Advocate shall intimate to the Caveator or his Advocate, the expenses for furnishing the copies and request him to collect the copies on payment of the said expenses. The said expenses should be at the rate of 25 paise per folio of 100 words inclusive of cost of paper.

5. Every application for any relief in a proceeding should be supported by a statement on oath of the applicant stating that no notice under section 148A (2) is received by him or if received whether the applicant has furnished the copies of the application together with the copies of the papers or documents which have been filed or may be filed in support of the application to the Caveator as required by section 148A (4).

6. A notice under section 148A (3) may be served on the Caveator or his Advocate personally or by post Under Certificate of Posting. The notice sent Under Certificate of Posting at the address furnished by the Caveator shall be deemed to be sufficient service on him.

7. Where it appears to the Court that the object of granting *ad interim* relief on the application would be defeated by delay, it may record reasons for such opinion and grant *ad interim* relief of the application of the applicant till further orders after giving the Caveator an opportunity of being heard.

(FORM OF CAVEAT)

IN THE COURT OF.....
AT.....

SUIT/PETITION/APPEAL No.....19.....

In the matter of Caveat under
section 148A of the Code
of Civil Procedure

Caveator

Pray that no orders be passed without due notice under section 148A of the Code of Civil Procedure to the Caveator abovenamed in any application for (State in short reliefs to be prayed for) in Suit/Petition/Appeal No of 19 of this Court (or in a Suit/Petition/Appeal likely to be filed in this Court) wherein is/may be Plaintiff/Petitioner/Appellant and is/may be the Defendant/Respondent.

The Caveator's address for service is

The Caveator undertakes to the Court to give notice by Registered Post A.D. to the Plaintiff/Petitioner/Appellant abovementioned, at the following address

Caveator

REGISTER OF CAVEAT (O. XL-A. R. 3)
COURT OF THE OF AT
REGISTER OF CAVEAT IN THE YEAR 19

Serial No.	Date of	Name of	Nature of pro-	Name of plaintiff	Name of defendant	Date and number	Date of Re-	
			ceeding	Applicant	Respondent	of pro-	notice served	marks
			tor and antici-	in the	dent in	ceeding on		
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			service number	No. 4	No. 4	Caveator		
			if same					
			is filed					
1	2	3	4	5	6	7	8	9

ORDER XLI

(1) *Substitute* the following rule as rule 1 for the existing rule 1 in Order XLI :—

"1. *Form of appeal what to accompany memorandum* — (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the decree appealed from and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded :

Provided that where two or more suits have been tried together and a common judgment has been delivered therefor and two or more appeals are filed against any decree covered by that judgment, whether by the same appellant or by different appellants, the appellate Court may dispense with the filing of more than one copy of the judgment.

(2). *Contents of memorandum*.—The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the

decree appealed from without any argument or narrative ; and such grounds shall be numbered consecutively.

(3) Where the appeal is against a decree for payment of money, the appellant shall, within such time as the Appellate Court may allow, deposit the amount disputed in the appeal or furnish such security in respect thereof as the Court may think fit :

Provided that the Court may dispense with the deposit or security where it deems fit to do so for sufficient cause.

(4) The appellant shall file along with the memorandum of appeal as many copies thereof on plain paper as there are respondents for being served on the respondents along with the notice of appeal :

Provided that the Court in its discretion may permit the appellant to file the necessary number of copies of the memorandum of appeal after the appeal is admitted, within such time as the Court may grant in this behalf "

(2) In Order XLI, after the existing rule 18, insert the following rule with marginal note as new rule 18A and its marginal note :—

"18A. *Dismissal for want of prosecution.*—Where after the admission of an appeal the rules or the special directions of the Court require the appellant to take any steps in the prosecution of the appeal before a fixed date, and where after due notice intimating the steps to be taken the appellant fails to take such steps within the time prescribed by the rules or allowed by the Court, the Court may direct the appeal to be dismissed for want of prosecution or may pass such other order as it thinks fit."

(3) In Order XLI, for the existing rule 19 and its marginal note, substitute the following as rule 19 and marginal note :—

"19. *Re-admission of appeal dismissed for default.*—Where an appeal is dismissed under rule 11, sub-rule (2) or rule 18A or rule 17 or rule 18, the appellant may apply to the Appellate Court for the re-admission of the appeal and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or in taking the necessary steps in the prosecution of the appeal or from depositing the sum so required, the Court shall re-admit the appeal on such terms as to costs or otherwise as it thinks fit "

(4) In Order XLI, rule 31, substitute a colon for the full stop appearing at the end of the rule and add thereafter the following proviso :—

"Provided that where the judgment is pronounced by dictation to a short-hand writer in open Court the transcript of the judgement so pronounced shall, after making such corrections therein as may be necessary, be signed by the Judge or the Judges concerned and shall bear the date of its pronouncement."

(5) In Order XLI, rule 35 for the existing sub-rule (2) substitute the following as sub-rule (2) :—

"(2) The decree shall contain the number of the appeal, the names and descriptions of the appellant and the respondent, their registered addresses, and a clear specification of the relief granted or the adjudication made."

(6) In Order XLI, after the existing rule 38, add the following rule and marginal note as new rule 38 and its marginal note :—

38. *Registered address to hold good during appellate proceedings*—(1) The registered address filed under Order VI, rule 14A shall hold good during all appellate proceedings arising out of the original suit or petition, subject to any alteration under sub-rule (3) hereof.

(2) Every memorandum of appeal shall state the registered address given by the opposite parties in the Court below, and notices and processes shall issue from the Appellate Court to such addresses.

(3) Sub-rules (2) and (4) (i) and (ii) of rule 14-A of Order VI shall apply, so far as may be, to appellate proceedings.

Order XLIII

In Order XLIII, rule 1, for the existing clause (r) *substitute* the following as clause (r):—

“(r) An order under rule 1, rule 2, rule 4, rule 10 or rule 11 of Order XXXIX.”

Order XLV

(1) Order XLV, after sub-rule (2) of rule 2 insert the following as sub-rule (3):—

“(3) *Application to Court whose decree is complained of.*—(i) Whoever desires to appeal to the Supreme Court shall apply by petition to the Court whose decree is complained of.

(ii) Notwithstanding anything contained in sub-rule (1) a party desiring to appeal to the Supreme Court may apply orally immediately after the pronouncement of the Judgment by the Court, and the Court may grant or refuse leave to the party to appeal to the Supreme Court or direct the party to file a petition as required by Sub-rule (1):

Provided, however, that if an oral application for leave under sub-rule (2) is made and rejected, no written petition under sub-rule (1) shall lie.”

(2) In Order XLV, rule 3, for the existing sub-rule (2) *substitute* the following as sub-rule (2):—

“(2) Upon receipt of such petition, the Court shall direct notice to be served on the opposite party to show cause why the said certificate should not be granted, unless it thinks fit to refuse the certificate.”

(3) In Order XLV, after the existing rule 7, *insert* the following rule with marginal note as new rule 7A and its marginal note:—

“7A. *security not to be demanded from Union or State Government or Government servant defended by Government.*—No such security as is mentioned in clause (2) of sub-rule (1) of rule 7 above shall be required from the Union of India or a State Government or where Government has undertaken the defence of the suit from any public officer sued in respect of an act alleged to have been done by him in his official capacity.”

(4) In order XLV, for the existing rule 15 and its marginal note, *substitute* the following as rule 15 and marginal note:—

“15. *Procedure to enforce order of the Supreme Court.*—(1) (a) Any decree passed or order made by the Supreme Court in exercise of the appellate jurisdiction including any order as to the costs of, and incidental to any proceedings in that Court shall be enforceable in

accordance with the provisions of law for the time being in force relating to the enforcement of the decrees or orders of the Court or Tribunal from which the appeal to the Supreme Court was preferred or sought to be preferred.

(b) The costs incurred in the High Court as incidental to the Supreme Court Appeal including the costs in the application for leave to appeal to the Supreme Court shall be recoverable, where awarded, by execution of the order of the High Court in the same manner in which the decree or order of the High Court from which the appeal to the Supreme Court was preferred or sought to be preferred would have been executed.

(2) Unless the Supreme Court otherwise directs no decree or order of that Court shall be inoperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing of the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court but such order shall have the same force and effect as if it had been made before the death took place."

Order XLVI

In Order XLVI, after the existing rule 7 add the following rule with marginal note as new rule 8 and its marginal note:—

"8. *Applicability of rule 38 of Order XLI*—Rule 38 of Order XLI shall apply, so far as may be, to proceedings under this order."

Order XLVII

(1) In Order XLVII, for the existing rule 5 and its marginal note, substitute the following as rule 5 and marginal note:—

"5. *Application for review in Court consisting of two or more Judges*.—Where the Judge, or Judges, or any one of the Judges, who passed the decree or made the order a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of two months next after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same :

Provided that if in the case of a decree or order passed by a Division Bench of two or more Judges of the High Court sitting at any place in the State of Maharashtra all the said Judges are not available for sitting together at one place when the review application is ready for hearing, the application may be heard by a Division Bench of two or more Judges, at least one of whom, if available, should be the Judge who had passed the decree or order a review of which is applied for."

(2) In Order XLVII, after the existing rule 9, add the following rule with marginal note as new rule 10 and its marginal note:—

"10. *Applicability of rule 38 of Order XLI*.—Rule 38 of Order XLI shall apply so far as may be to proceedings under this Order."

Order XLVII-A

After the existing Order XLVII, add the following Order with heading as new Order XLVII-A and its heading :—

"Order XLVII-A**REVISION**

"1. *Applicability of rule 38 of Order XLI.*—Rule 38 of Order XLI, shall apply, so far as may be to proceedings under section 115 of this Code."

Order XLVIII

In Order XLVIII, rule 1, for the existing sub-rule (2) and its marginal note, substitute the following as sub-rule (2) and marginal note:—

"(2) *Costs of service.*—The Court-fee chargeable for service of the process of the Court shall, except as provided for in sub-rule (2) of rule 1 of Order IV be paid when the process is applied for, or within such time as may be fixed by the Court."

Order XLIX

(1) In order XLIX, for the existing rule 3 and its marginal note, substitute the following as rule 3 and marginal note :—

"3. *Application Rules.*—The following rules shall not apply to any Chartered High Court in the exercise of its ordinary or extraordinary civil jurisdiction, namely :—

- (1) rule 19A, Order V,
 - (2) rule 10, clauses (b) and (c) of rule 11 and rule 14A of Order VI.
 - (3) rule 14A of Order VI.
 - (4) rule 3 of Order X.
 - (5) rule 2 of Order XVI.
 - (6) rules 5, 6, 8, 9, 10, 11, 13, 14, 15 and 16 (so far as relates to the manner of taking evidence) of Order XVIII.
 - (7) rules 1 to 8 (both inclusive) of Order XX.
 - (8) rule 72A of Order XXI.
 - (9) rule 7 of Order XXXIII (so far as relates to the making of a memorandum), and
 - (10) rule 38 of Order XLI ;
- and rules 31 and 35(4) of Order XLI shall not apply to any such High Court in the exercise of its appellate jurisdiction."
- (2) In Order XLIX, after rule 3 as substituted above, add the following rule with marginal note as new rule 4 and its marginal note :—

"4. *Powers of the Registrar of the High Court to accept court fees after the presentation of the appeal.*—Where on a memorandum of appeal presented to the High Court within the time prescribed for the same the whole or any part of the fee prescribed by the law for the time being in force relating to Court-fees has not been paid, the Registrar may, in his discretion, allow the appellant to pay the whole or part, as the case may be, of such Court-fee after the presentation of the memorandum of appeal, and may admit the appeal to the registrar even though the Court-fee or part of it may have been paid after the time prescribed for the presentation of the appeal."

Substitute the following form for the existing Form No. 4 in Appendix B:—

(Title)

(Name, description and place of residence)

"Whereas has instituted a suit against you under Order XXXVII of the Code of Civil Procedure, 1908, for Rs and interest, you are hereby summoned to make an application within 30 days from the service hereof, for leave to defend the suit in default whereof the plaintiff will be entitled at any time after the expiration of such 30 days to obtain a decree for any sum not exceeding the sum of Rs. and the cost of the suit together with such interest, if any, as the Court may order.

Leave to defend may be obtained on an application to the Court supported by affidavit disclosing facts as may be sufficient to satisfy the Court that you are entitled to defend the suit.

Given under my hand and seal of the Court, this 19 day of

Judge.

Take notice that in default of your filing an address for service along with your application for leave to defend, the said application will be liable to be rejected "

Add the following note in form Nos. 1, 2, 3, 4, 5 and 6 in appendix B :—

"Notice.—Also take notice that in default of your filing an address for service on or before the date mentioned you are liable to have your defence struck out."

In Appendix B, for the existing Form No. 10, *substitute* the following as Form No. 10

TO ACCOMPANY RETURNS OF SUMMONS OF
ANOTHER COURT

(Title)

Read proceeding from the _____ forwarding for service
on _____ in Suit No. _____ of 19 _____ of that Court.

Read Serving Officer's endorsement stating that the proof of the above having been duly taken by me on the oath of _____ and _____ and _____

it is ordered that the _____ be returned to the
with a copy of this proceeding.

I hereby declare that the said summons on _____ has been duly served.

Judge.

Note.—This form will be applicable, to process other than

summons, the service of which may have to be effected in the same manner."

In Appendix E, for the existing Form No 38, substitute the following as Form No. 38 :—

"No. 38
CERTIFICATE OF SALE OF LAND
(Order 5, rule 94)
(Title)

This is certify that _____ has been declared the purchaser for Rs. _____ at a sale by public auction on the _____ day of _____ 19 ____ of in execution of decree in this suit, and that the said sale has been duly confirmed by this Court.

Given under my hand and the seal of the Court, this _____ day of _____ 19 ____

Judge."

In Appendix G, in Forms Nos. 2 and 3, the following shall be added as a note:—

"Note:—Unless appropriately altered, the printed form binds the surety only to an immediate appeal from the decree mentioned in the bond, and does not cover any obligation in respect of any further appeal."

And further, in Form No. 3 of the said Appendix G, for the opening words "This security bond on stay of execution of decree executed by _____ witnesseth—",

Substitute the following:—

"This security bond, on order being made for execution of decree, executed by _____ witnesseth—".

APPENDIX 'H'

In Appendix H, for the existing Form No. 11, substitute the following as Form No 11:—

"No 11
NOTICE TO MINOR DEFENDANT AND GUARDIAN
(Order 32, rule 3)
(Title)

To

(1) _____ (Natural Guardian/Legally appointed Guardian/Person taking care of the minor).

Whereas an application (as per the annexed copy) has been presented on behalf of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant (here enter the name of the minor defendant) _____ and whereas the plaintiff has proposed in his application that you (here enter the name of the proposed guardian) _____ should be appointed as such guardian you the said proposed guardian are hereby required to take notice that, unless, you appear before this Court within _____ days from the service of this notice upon you and express your consent to such appointment or an application is made to this Court to appoint some other person as guardian of the minor for the suit, the Court will

[illegible]

In Appendix H, in Form No. 14, for the existing note at the foot of the Form *substitute* the following note:—

By Order,
D. B. KHADE,
Prothonotary & Senior Master.

S M. DAUD,
Registrar.

REVENUE AND FORESTS DEPARTMENT

1. These Rules may be called the **Bombay Forest (Amendment) Rules, 1983**.

3. Notwithstanding anything contained in rule 2 of these rules, if any petition submitted to the State Government under the proviso to sub-rule (9) of rule 68 of the Bombay Forest Rules, 1942, is pending for disposal with the State Government on the date of commencement of these rules, it shall be considered and disposed by the State Government as provided in the said proviso, as if the said proviso had not been repealed.

REVENUE AND FORESTS DEPARTMENT

1. These rules may be called the Hyderabad Transit of Forest Produce (Bombay) (Amendment) Rules, 1983.

2. In the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, in rule 23, the proviso to sub-rule (9) shall be deleted.

3. Notwithstanding anything contained in rule 2 of these rules, if any petition submitted to the State Government under the proviso to sub-rule (9) of rule 23 of the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, is pending for disposal with the State Government on the date of commencement of these rules, it shall be considered and disposed of by the State Government as provided in the said proviso, as if the said proviso had not been repealed.

REVENUE AND FORESTS DEPARTMENT

No. SWM. 2782/CR-49/89660(III)/F-6. *Mantralaya, Bombay 400 032, dated the 6th October, 1983.*—In exercise of the powers conferred by sections 41 and 76 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, namely :—

1. These rules may be called the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) (Amendment) Rules, 1983.

2. In the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, in rule 23, the proviso to sub-rule (9) shall be deleted.

3. Notwithstanding anything contained in rule 2 of these rules, if any petition submitted to the State Government under the proviso to sub-rule (9) of rule 23 of the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch areas) Rules, 1960, is pending for disposal with the State Government on the date of commencement of these rules, it shall be considered and disposed of by the State Government as provided in the said proviso, as if the said proviso had not been repealed.

Published in the Maharashtra Government Gazette, Part IV (Aa) dated September 15, 1983

HOME DEPARTMENT

No. MVR. 0182/262-TRA-2. *Mantralaya, Bombay 400 032, dated the 8th August 1983.*—In exercise of the powers conferred by clause (c) of section 111-A of the Motor Vehicles Act, 1939 (4 of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called the Bombay Motor vehicles (Third Amendment) Rules, 1983.

2. In rule 294 of the Bombay Motor Vehicles Rules, 1959, in sub-rule (1), in clause (b), in sub-clause (i), for the letters and figures

"Rs. 25,000" where they occur at both places, the letters and figures "Rs. 50,000 shall be substituted.

Published in the Maharashtra Government Gazette, Part IV-Ba, dated September 29, 1983

GENERAL ADMINISTRATION DEPARTMENT (ACCOMMODATION)

No. CO/Water Tax/1983. 1st floor, New Administrative Building, Opp. Mantralaya, Bombay 400 032, dated 27th September 1983.—1. In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Maharashtra hereby makes the following rules further to amend the Bombay Land Requisition (Determination of Compensation) Rules, 1949, namely:—

2. These rules may be called the **Bombay Land Requisition (Determination of Compensation) (Amendment) Rules, 1983.**

3. In the Bombay Land Requisition (Determination of Compensation) Rules, 1949, after rule 5-Y, the following rule shall be inserted, namely:—

"5-Z—Notwithstanding anything contained in these rules, where the amount of compensation payable as rent per month in respect of any premises in Greater Bombay has been determined before the 18th day of April 1983 (hereinafter referred to as "the said date") under sub-section (1) of section 8 of the Act such amount being an amount inclusive of any increase by an addition to rent made in pursuance of any order made by the Compensation Officer under any of the foregoing rules) (hereinafter referred to as "the rent") and the Water Tax on such premises under clause (a) of section 140 of the Bombay Municipal Corporation Act, (Bom. III of 1888), has been increased from the said date, the Compensation Officer, may by general or special order, direct that the amount of rent so determined in respect of such premises shall, on and from the said date, be increased per month by an amount equal to 1/6 per cent of the rateable value of such premises."

END

